Gray Davis in D.C.'s Eyes by Carl Cannon

california JOURNAL

MARCH 2001
$3.95
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The Reapportionment Puzzle:

Putting the pieces together

Inside:
Danger on Death Row: Is aging San Quentin still safe?

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california JOURNAL

March 2001
Volume XXXII, Number 3

Upfront
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Crashing the Capitol,
"Made in California"

Rostrum
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Internet voting: Best bet
or worst nightmare?
By Kim Alexander

D. C. Perspective
Ellen Tauscher: Movin' on up
By Marc Sandalow

Like father, like son

Our masthead lists veteran journalist Lou Cannon as a contributing editor. In truth, Cannon is so much more: a mentor, a supporter, a pace-setter. He also is the father of Carl Cannon, an accomplished political writer who this month sizes up Governor Gray Davis by Washington, D.C., standards.

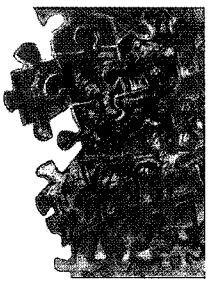
Carl Cannon is a White House correspondent. He free-lances for prestigious national publications, once wrote for the *San Jose Mercury News*, and has written previously for *California Journal*. All the same can be said of his father, Lou. This is completely by coincidence, mind you.

Cynthia H. Craft

"Not only did I *not* intend to follow in my father's footsteps, I went into journalism thinking that the police beat — not political writing — was the highest calling," says Carl, White House correspondent for the respected *National Journal*. "I wanted to be Jimmy Breslin. But you do well in this business, you end up covering the White House."

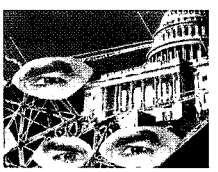
It turns out it's just as well. Father and son are "really close," Carl says, even though they live and report from different coasts. "We edit each other's copy," he said. In other words, they're chips off the same block. Which makes us here at the *Journal* doubly appreciative.

Putting the pieces together



As the Capitol's mapmakers begin drawing new boundary lines, the process of redistricting has political players scrambling to put their imprint on California's new electoral roadmaps.
By A. G. Block

All eyes on Gray Davis



Washington, D.C., insiders have Governor Davis pegged as a top Democratic presidential contender in 2004. He's got the money, but will California's electricity woes short-circuit his chances?
By Carl Cannon

Death Row: Ticking time bomb?

Behind its aging walls, San Quentin Prison keeps watch on nearly 600 Death Row inmates, many increasingly restless. There's talk of moving Death Row but, politically, it won't be easy.
By Noel Brinkerhoff

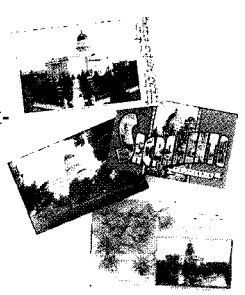
Lives on the line

Fast facts on California's Death Row

George W. and California

He wasn't the first choice of most California voters but the new president has many wondering: How will the state fare under George W. Bush's care?
By Michael Doyle

Postscript from the Capitol



Politics is politics, as vintage California postcards attest.
From the California Journal archives

Cover Illustration
by Sandra Hoover

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That was then, this is nuts. From the "Where are they now file?" we present an excerpt from a *Los Angeles Times* story dated September 24, 1996. "Governor Pete Wilson signed legislation Monday to deregulate the state's electric utilities at the turn of the century and lower electrical bills for residential customers by at least 10 percent." The story went on to quote Wilson, who lauded the merits of the new dereg law. "[This] landmark legislation is a major step in our efforts to guarantee lower rates, provide consumer choice and offer reliable service, *so no one literally is left in the dark.*" Doh! As much as we'd like to take credit for digging up this historical gem, we can't. Honors, instead, go to the pitbull of the California Democratic Party, political director Bob Mulholland, who loves setting the record straight any time he can stick it to the Republicans.

Budget Tactics 101. Senate President pro Tempore John Burton gets knocked sometimes for having the interpersonal skills of Yosemite Sam, but his political acumen is tough to ding. With 26 of the 40 Senate seats in Democratic hands, Burton is only one vote short of the two-thirds majority he'll need later this year to get the state budget out of his house. And being the wily veteran he is, Burton wasn't about to wait until June to win over one Republican for that 27th vote. Nope. He sealed the deal in January — by serving a smorgasbord of juicy committee assignments to Senator Bruce McPherson, a moderate Republican who tends to side with Democrats on social issues. For starters, spots on both key fiscal committees — appropriations and budget — were reserved for McPherson. Then the Santa Cruz Republican received not one, but two vice chairmanships — education and environmental quality. And for the *pièce de résistance*, McPherson was handed the chairmanship of Senate Public Safety — a primo post ordinarily reserved for a Democrat. Of course, Burton and McPherson deny that any *quid pro quo* is at work between them. According to the press release announcing McPherson's assignments, Burton chose the Republican because he is "a problem solver" whose "independent views" are "well respected." Yeah, right.

Creative writing class. How do you entice reporters to show up at your Assembly hearing? Send out a cryptic invitation. That's what Assemblyman Darrell Steinberg's (D-Sacramento) office did in announcing a recent hearing of the Assembly Judiciary Committee, which he chairs. The press release stated that Steinberg's hearing would "examine new solutions to vexing ideological disputes that have confounded the Legislature for decades." Huh? Something more vexing than figuring out how to keep the lights turned on? Turns out the hearing was to take testimony on the use of dispute arbitration, rather than costly jury trials, to resolve complaints. So why the coy wording? "To get you to make this phone call," said committee spokeswoman Donna Hershkowitz. Guess it worked.

The Brainiac Boys. You'll have to excuse freshmen Assemblymen Paul Koretz (D-West Hollywood) and Joe Canciamilla (D-Pittsburg). They're new in town and mastering all the complexities that come with the job takes time. Someone, however, might want to pull Koretz and Canciamilla aside and give them a quick-and-dirty on how the state's power grid really works. For instance, Koretz's bill requiring the folks at the California Independent System Operator to first kill the power at state buildings before unleashing a rolling blackout on homes is just a wee-bit unrealistic. It's not like Earl the Engineer can scan the huge ISO board, pinpoint the Department of Social Services and shout, "Lights out! Ditto, CalEPA! DMV — Oh yeah, you're toast!" The gridding of electrical power just isn't that simple. Nor can the ISO traffic cops be expected, as Canciamilla apparently believes, to easily maneuver blackouts around those communities that have agreed to build new power plants near their neighborhoods. Nice try, but there's a reason why complex political problems are so tough to solve: They're complex.

Illustration by Paul Lachine

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california JOURNAL a State Net publication

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CALIFORNIA JOURNAL is a monthly, non-partisan, non-ideological analysis of California government and politics established in 1970. The Journal is available on-line through StateNet, Nexis/Lexis and Westlaw. It is indexed in Public Affairs Information Service, New York Times Information Bank, Sage Urban Studies Abstracts and Urban Affairs Abstracts. California Journal (ISSN 0008-1205) is published monthly. Subscription rates: Libraries and Government Agencies, $59.00; Corporations and Associations, $95.00; Special Individual rate, $42.00. Address all inquiries to California Journal, 2101 K Street, Sacramento, CA 95816. Telephone (916) 444-2840. Copyright 1998 by Information for Public Affairs, Inc. Periodicals postage paid at Sacramento. *POSTMASTER:* Send address changes to CALIFORNIA JOURNAL, 2101 K Street, Sacramento, CA 95816.

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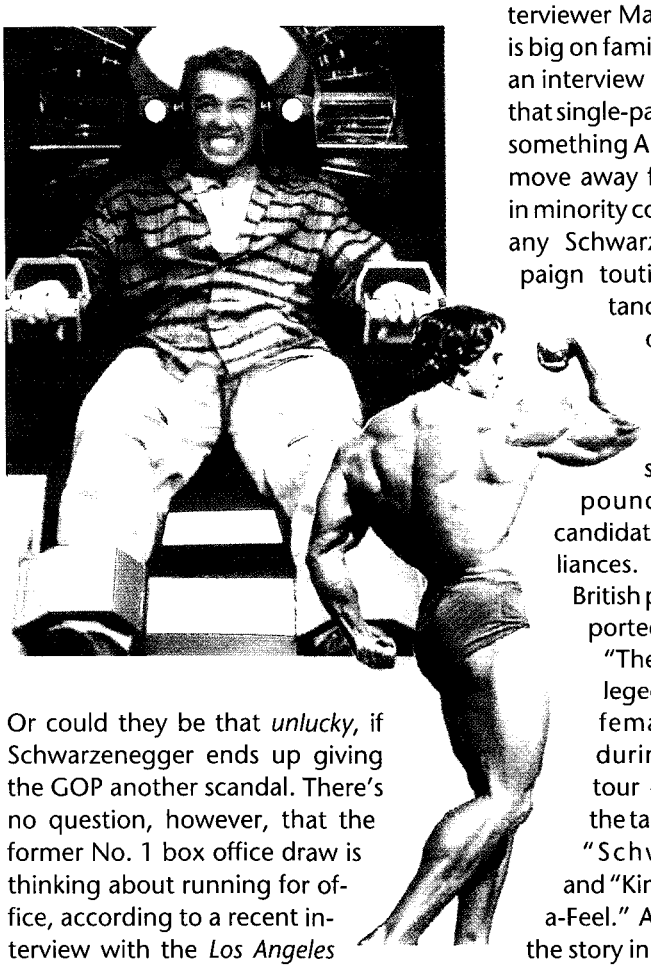
All pumped up and ready to go. It almost seems as though the California Republican Party has strapped on the virtual reality goggles and is total-recalling some dream fantasy for next year's election. Ahhhnold for governor? No way. Republicans couldn't be *that* lucky, could they?



Or could they be that *unlucky*, if Schwarzenegger ends up giving the GOP another scandal. There's no question, however, that the former No. 1 box office draw is thinking about running for office, according to a recent interview with the *Los Angeles Times*. "I've thought about it many times because I love politics," Schwarzenegger replied when asked if he'll challenge Gray Davis next year. If he does, the body builder-turned-Hollywood-dynamo would bring a pretty hefty profile to the 2002 gubernatorial contest: outstanding name I.D. (better than any incumbent could ever hope for), loads of his own cash, and oodles of star charm. In addition, Schwarzenegger possesses the kind of moderate Republican profile his party's candidate lacked in the last gubernatorial contest when preachy conservative Dan Lungren got shellacked by the centrist Davis. By his own description, Schwarzenegger is a fiscal conservative/social liberal who is pro-choice, opposes assault weapons (perhaps from firing off too many in his movies), and is even okay with homosexual couples raising children. Schwarzenegger, married to Kennedy clan member and TV interviewer Maria Shriver, also is big on family values and, in an interview with *Salon*, says that single-parent families are something America needs to move away from, especially in minority communities. But any Schwarzenegger campaign touting the importance and sanctity of marriage better have a titanium exoskeleton to withstand the media pounding over the candidate's rumored dalliances. In England, the British press recently reported that the star of "The Sixth Day" allegedly groped three female journalists during a publicity tour — earning him the tabloid nicknames "Schwarzenookie" and "Kindergarten-Cop-a-Feel." And then there's the story in the March issue of *Premiere* which alleges all sorts of extra-marital tomfoolery on Schwarzenegger's part. If such rumors prove to be too much for the 53-year-old terminator, then it may be *hasta la vista, baby*, for any political mission he undertakes.

"Actors are like politicians, and politicians are like actors. They both spend time each day contemplating their image. They both have a desire to be loved."
— Gore Vidal

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Legislative Watch:
Keep on truckin'

The big rig that plowed into the state Capitol in January did more than singe the drapes and blacken the walls. It caused a chain reaction of concerns, starting with how to beef up Capitol security to prevent future drive-through protests.

But the incident also raised another nagging question: Just how did a mentally troubled former inmate with a 15-year string of jail, state prison and mental hospital incarcerations get hired as a truck driver in the first place?

According to the California Trucking Association, there's a nationwide shortage of truck drivers, causing many trucking companies to lower the bar and put behind the wheel just about anyone holding a valid driver's license. Background checks are cursory at best.

But the hiring problem never popped up on anyone's radar screen until an 18-wheeler crashed the Capitol. Assemblyman Dean Florez (D-Shafter) was the first to jump in the driver's seat with a bill to close loopholes in hiring truck drivers. Among his ideas: require that mandatory health clearances be conducted by a licensed doctor (not chiropractors or physician's assistants); create a registry of failed alcohol/drug tests that trucking companies could access; suspend a trucking company's license for failing to complete an adequate background check.

Among the bill's supporters: Mothers Against Drunk Driving.

Excerpts:
From the Bookshelf

"Made in California:
Art, Image and Identity, 1900-2000"
Los Angeles County Museum of Art
University of California Press, $35

All that glitters isn't necessarily golden. That's the subtext behind this richly illustrated book, a California cornucopia of art and images. Far more than just a handsome coffee-table accessory, it's really a social history of California, as depicted by a kaleidoscope of artists, architects, painters, photographers, sculptors, writers — even fashion, film and furniture designers.

Officially, the book is the exhibition catalogue of the crowd-drawing show by the same name that closes this month at the Los Angeles County Museum of Art. Six years in the making, the ambitious exhibition assembled more than 1,200 pieces that capture California's tumultuous last century. Many of those pieces, as seen in the book, celebrate California's allure: lushly illustrated fruit crate labels, David Hockney's splash in the pool, Ansel Adams' moon over Yosemite. But there are also vivid reminders of the Golden State's dark side: racial riots, devastating earthquakes, Free Speech protests and the chilling internment camp signs that sent thousands of Japanese Californians to live as prisoners during World War II.

As emblems of the state, these images are both wrenching and wondrous, reminding us of our fortunes, as well as our foibles, in being Californians. If you missed the show, buy the book.

Quotables.....

"This energy crisis has become the lobbyist full-employment act. They're all over the place."

— Michael Shames of the Utility Consumers Action Network.

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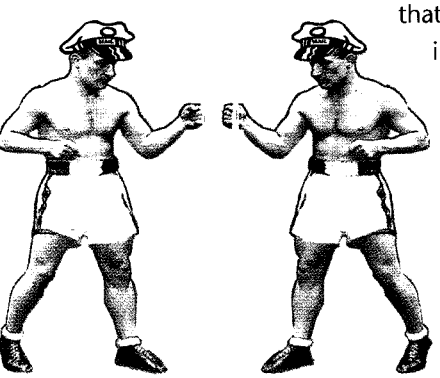
Legal Notes:

There oughta be a law... against lawsuits

We've all heard it before. The lawyer jokes. The quips from late-night talk show hosts poking fun at lawsuits over spilled coffee or, more recently, a crispy-fried chicken head that a horrified customer discovered in her fast-food order. Whatever the dispute, the answer seems to be: Find a lawyer and sue.

But wait, there's a glimmer of hope for those seeking to resolve such nasty disputes somewhere other than a courtroom. Let's start by drawing lessons from the U.S. Postal Service. That's right. The Postal Service. Although better known for its highly publicized workplace shootings that spawned the phrase "going postal," the agency recently has earned rave reviews for its highly successful dispute resolution program.



Known as REDRESS (Resolve Employment Disputes, Reach Equitable Solutions Swiftly), the U.S. Postal Service's program was recently showcased in a Capitol hearing conducted by Assembly Judiciary Committee Chairman Darrell Steinberg (D-Sacramento).

Steinberg, himself a lawyer, is frustrated that the state can't do more to get folks to duke it out peacefully, rather than resorting to costly, time-consuming lawsuits. He envisions the state acting as something of a cheerleader in encouraging business and government to adopt "alternative dispute resolution programs," aimed at resolving all types of complaints, from job discrimination to health care coverage.

The Postal Service's voluntary program brings together supervisors and workers in face-to-face meetings with a trained mediator.The program, touted for potentially saving tens of millions of dollars, has helped dramatically reduce the number of postal employee complaints, while boosting the rate of employee satisfaction in getting those complaints resolved.

Obviously, California lawmakers are interested in replicating the program's success here. Steinberg promised more hearings in the future. "The goal is to find common ground," he said. "It's the beginning of a very important discussion." If not, sue him.

Compiled by California Journal Editors

By the numbers

Utility Investments

$1 million:
Amount that Pacific Gas & Electric Corp. spent on campaign contributions from January - June 2000.

$292,967:
Amount that PG&E Corp. spent on campaign contributions — mostly for candidates for the state Legislature — from July - December 2000.

$321,705:
Amount that PG&E Corp. spent on lobbying from July - December 2000.

$220,016:
Amount that PG&E Generating Co. spent on lobbying from July - December 2000.

$421,903:
Amount that Edison International spent on campaign contributions from July - December 2000.

$699,869:
Amount that Edison International spent on lobbying from July - December 2000.

Source: California Secretary of State's Office, Sacramento Bee

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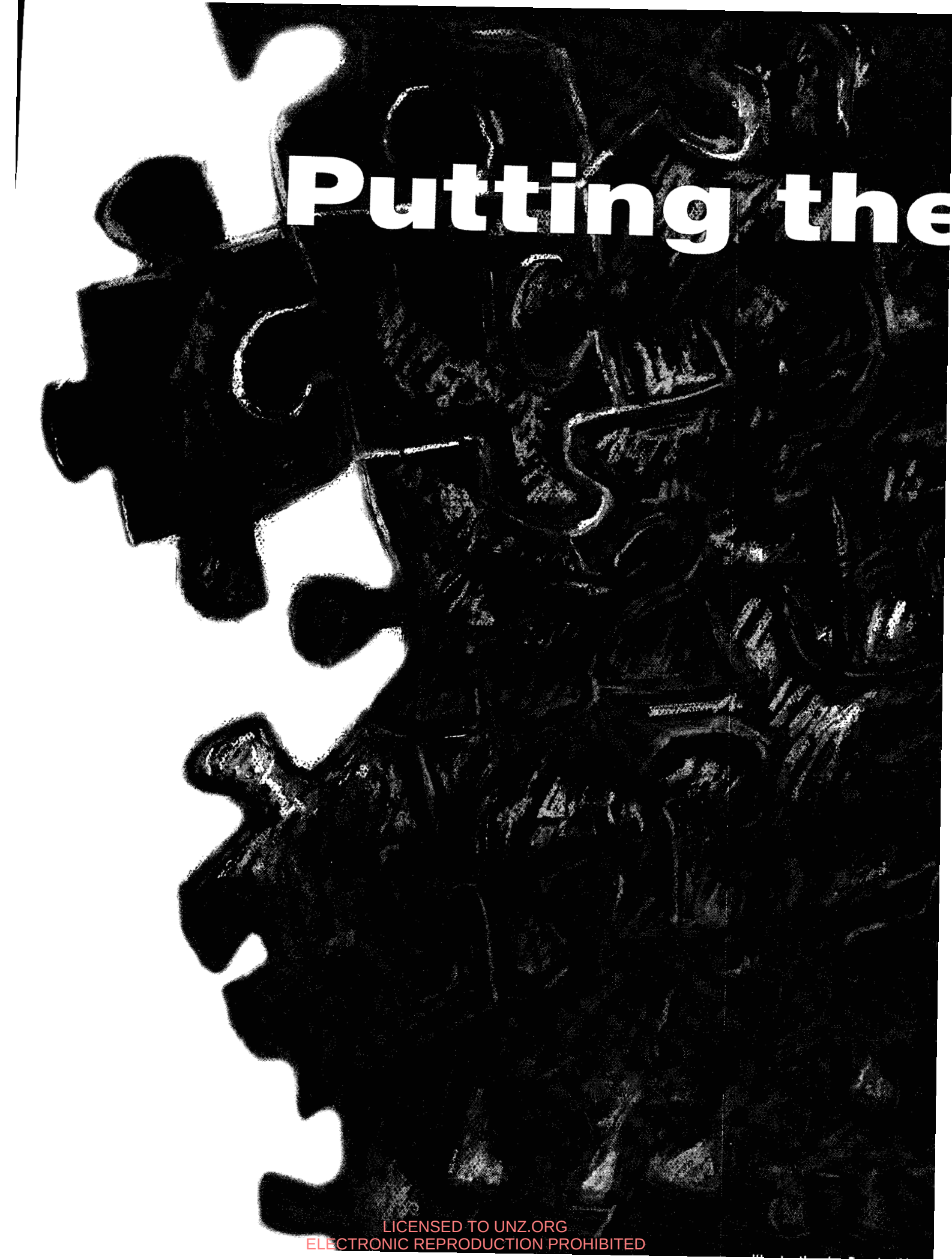
Putting the



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puzzle pieces together

Reapportionment and redistricting: Every decade, the process begins anew as political mapmakers redraw the boundary lines of every state Assembly, Senate and congressional seat in the state. Who's left in — and who's left out — become paramount concerns as incumbent lawmakers and various ethnic communities jockey for advantage. Although the process is barely begun, interest in the outcome already is revving up.

By A.G. Block

In political terms, the "big event" in 2001 is not an election. It's reapportionment and redistricting, the messiest and most arcane pair of political concoctions around. Like clockwork, they occur every decade following the national census; together, they determine the state's political lay of the land for the next 10 years.

"Redistricting" is the redrawing of boundary lines for electoral districts. "Reapportionment" refers to the allocation of seats, such as new congressional seats. In simplest terms, they involve stuffing a map of California into a Cuisinart and blending it with 2000 U.S. Census figures, along with a healthy dollop of often conflicting political interests and

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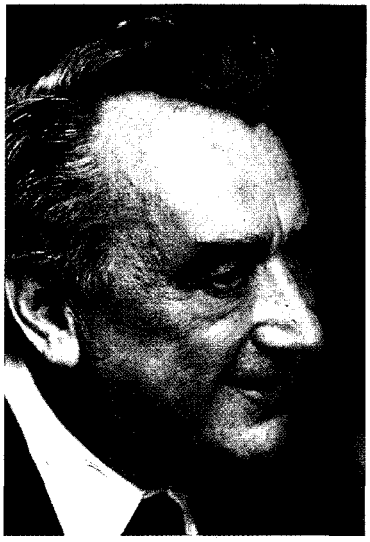
ambitions. The result is a new political atlas for the ensuing decade.

For political junkies, the process of drawing new districts is the equivalent of a World Wrestling Federation free-for-all, with competing interests locked in a very small ring: Democrats, Republicans, state legislators, members of Congress, and a host of ethnic and religious communities including Latinos, blacks, Chinese, Filipinos, Southeast Asians and Jews. The battles are regional as well: north vs. south, urban vs. suburban vs. rural, San Francisco Bay Area vs. Central Valley, Los Angeles vs. Inland Empire — everyone scrambling for an electoral edge.



The late Congressman Phil Burton

GOP consultant Tony Quinn

"Instead of fighting to make their own seat safe, incumbents will be fighting to make the next seat safe, be that a congressional or a Senate seat."

— Tony Quinn

At its most primal level, redistricting and reapportionment are about power — who has it and how they intend to keep it. In California, in 2001, that means Democrats.

Since they hold the reins of power in the Legislature as well as the governorship, Democrats will craft California's new political boundary lines. Which means there's not much chance that Republicans will have much say — if any — in the outcome. Without leverage beyond the threat of another ballot referendum, Republicans are resigned for the worst.

This time around, the reapportionment/redistricting process is also layered with national implications. The number of safe congressional enclaves that Democratic mapmakers carve out for themselves could well determine control of the U.S. House of Representatives. In addition, results of the 2000 census provided California with one additional House seat, increasing the state's delegation to 53. But which region of the state gains that seat is as yet unknown.

Currently, only the bare — and altogether speculative — beginnings of this process are under way because the real, nitty-gritty work must wait until detailed census data becomes available later this spring. Nevertheless, those who care about the shape and composition of districts are gearing up, including groups and individuals that traditionally have argued over where the lines should fall — ethnic communities, academicians, interested individuals, political parties and, most of all, incumbent politicians. Often overlooked in the process is the general public, which won't care a whit about any of this until the dust has settled — and perhaps not even then.

It is incumbents who may be the most focused on the outcome. A meandering boundary line on a district map can make or break a political career, so placing those lines has historically been directed by those with the most to lose — namely, incumbent politicians and their surrogates. Yet even among this select group, only a few have displayed a genius for the art of redistricting and reapportionment, among them the late U.S. Representative Phil Burton (D-San Francisco), GOP consultant Tony Quinn, veteran Democratic Assembly staffer Bill Cavala and political consultant Michael Berman, brother of U.S. Representative Howard Berman (D-Los Angeles).

In the past, redistricting and reapportionment have been steeped in mystery, concentrated in the hands of legendary electoral mapmakers such as Burton. The Bay Area Democrat stored the voting biases of a thousand census tracts in the crannies of his brain, using that knowledge to craft political maps that virtually guaranteed Democrats a maximum number of districts.

Today, computers have replaced Burton's brain, but the arrival of advanced technology has not simplified the process. If anything, it has been further complicated by factors that Burton and previous mapmakers never had to consider: term limits, sophisticated advances in technology, dramatically altered demographics, and the gutting of the Voting Rights Act.

Historically, redistricting played out in a straightforward manner. If one political party controlled both houses of the Legislature and the governor's office, it squeezed in enough safe districts to perpetuate its power, although the result was not always elegant. In 1981, for instance, Burton and the Democrats forged, among other eccentricities, a congressional seat contiguous by land only at low tide in San Francisco Bay and a state Senate seat notable for bundling together Yosemite, the Carmel Valley and a coastal swath near Santa Barbara. The congressional district was designed for Burton's brother — John Burton, the current

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president pro tempore of the state Senate — but Republicans successfully challenged the entire plan via a ballot referendum.

If one party does not control all the levers of power, the outcome tends to be more neutral, as happened in 1991 when the redistricting/reapportionment plan crafted by the Democratic- controlled Legislature was vetoed by Republican Governor Pete Wilson. As a result, the state's political map — the one in place during the last 10 years — was drawn by a team of nonpartisan "masters" appointed by the state Supreme Court. That plan created more districts that have been competitive between the state's two major parties. It also revived the concept of "nesting," where two Assembly districts were combined to create a single state Senate district.

That nesting is considered an anathema by most incumbent legislators because it automatically pits two Assembly members against one another for the next rung up the political ladder. It is expected that nesting will go the way of the dinosaur in the next reapportionment.

Intra-party wars

Once upon a time, the Senate, Assembly and congressional delegations each drew their own districts. But that was before Proposition 140 and term limits hit the state Legislature. Even in 1991, a year after the Proposition 140 ax fell, term limits were more an abstraction than a reality. Today, it's a hard-core political reality. A decade ago, an Assembly incumbent likely was concerned only with the new boundaries of his or her Assembly district; now, he or she wants to shape the surrounding state Senate district because that is the next riser on the political escalator. Many state lawmakers also will angle for a safe congressional harbor to suit themselves, perhaps at the expense of an incumbent congressman. Even with California's additional seat, there aren't enough congressional districts to go around, prompting potential brawls across the entire map.

"Instead of fighting to make their own seat safe," says Tony Quinn, a GOP veteran of several redistricting wars, "incumbents will be fighting to make the next seat safe, be that a congressional or a Senate seat. And the real partisan fights will be over the congressional seats."

How legislative leaders such as Burton and Assembly Speaker Bob Hertzberg (D-Los Angeles) deal with term limit-driven tensions remains to be seen, but potential conflicts exist and will be difficult to suppress. For his part, Burton has hired redistricting expert Berman to spearhead the Senate effort. The Assembly likely will set up an internal operation — separate from the official dog-and-pony show of its Elections and Reapportionment Committee — to do the real work on new Assembly districts. Members of Congress may submit a plan for themselves, but they have little leverage with a Legislature whose members are more interested in their own careers than in those of distant congressmen and women. (Ultimately, the new maps must be approved by both houses of the Legislature and signed by the governor.)

The congressional situation is further complicated by the November 2000 victories of Democrats Jane Harman in Long Beach, Adam Schiff in Glendale and Mike Honda in San Jose. While they provide three more votes for Democrats in Congress, they also create headaches for Democratic mapmakers who must figure out how to strengthen and protect a trio of incumbents in marginal districts. Had Republicans maintained control of those districts, Democrats could have carved them up to help neighboring Democrats.

> "Redistricting is about power politics." Unfortunately, the Voting Rights Act no longer serves as "a control system on an inherently chaotic process."
>
> — Connie Rice

Connie Rice, counsel NAACP

In the case of Harman and Schiff, says Quinn, "Democrats will have two more white, Jewish incumbents to protect, along with several others. Latinos would like one or two new L.A. districts for themselves, but that becomes more difficult if you have to protect Harman and Schiff."

As for Honda, it is said that the San Francisco Bay Area may lose a congressional seat to the Central Valley because of shifting population trends in Northern California. If detailed census figures confirm this shift, the pending loss poses a threat to every member of Congress from the Bay Area, for Honda captured the only district in the region held by a Republican. Thus, collapsing a Bay Area district could prompt any number of squabbles as mapmakers decide which Democrat draws the short straw.

Those intra-party battles may be more fierce this year than the typical squabbles between Republicans and Democrats. As such, they will be watched closely by representatives of various ethnic groups who want their own seat at the redistricting table and who face competing claims among themselves as well as with entrenched incumbents.

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Kathy Feng, Asian Pacific American Legal Center

"We're figuring out how to work together ... to figure out how to draw lines that empower one group without disempowering another group."
— Kathy Feng

The Voting Rights Act

Adding to these concerns, some ethnic groups see their position weakened because their leverage in past redistricting wars — the Voting Rights Act — no longer wields the same force.

"Redistricting is about power politics," says Connie Rice, who serves as counsel to the NAACP in Los Angeles and previously served as co-director of its Legal Defense Fund. "And the only thing that seemed to impose some common ground rules was the Voting Rights Act. It brought the fear of being dragged into court."

That fear is gone, says Rice, gutted by the U.S. Supreme Court in cases such as *Shaw v. Reno,* which struck down a North Carolina congressional district drawn solely on the basis of race.

Now, says Rice, race can be a factor but not the only factor — a split hair the court did not clarify. "The court has suggested districts based on 'communities of interest,' one of which can be race. But no one knows how to establish a community of interest, and the court did not provide any guideposts." Thus, argues Rice, the Voting Rights Act no longer serves as a "control system on an inherently chaotic process." Sums up Rice, "There are no standards. People can come up with any old map, and you have no way of knowing how that map was considered."

Rice's fear is echoed by Amadis Velez, statewide redistricting coordinator for the Mexican American Legal Defense and Education Fund, or MALDEF. "We want to make sure that we're not 'cracked' or 'packed'," says Velez, referring to the practice of either cramming ethnic neighborhoods into one district or splintering them into several districts where they could not achieve a majority of votes to elect an ethnic representative. Until Shaw, the threat of Voting Rights Act-inspired litigation prevented those practices.

More important, ethnic groups must worry about conflicts among themselves. Changing demographics, especially in the Los Angeles Basin, have created enclaves where incumbents of one ethnicity now represent population centers dominated by another. Lynwood, for instance, is represented in the Assembly by Democrat Carl Washington, who is African American. But according to some demographers, Latinos make up a majority of district residents and are fast becoming a majority of the voting population as well. Jewish-Latino tensions surfaced during a brutal 1998 state Senate primary in the San Fernando Valley between Democrats Richard Katz and Richard Alarcon. Alarcon won, but the resentments spawned by that campaign are just now beginning to fade. Deeper conflicts may surface when Latinos, Jews, African Americans, Anglos and Asians try to sort out contested turf.

To head off these potential conflicts, several groups — including representatives of Latinos, Asians and blacks — have been trying to coordinate their efforts.

"It's going backward to see minority groups pitted against each other over areas. Our voice will be heard much louder in the Legislature if we are united."
— Amadis Velez

Amadis Velez

"We're figuring out how to work together ... to figure out how to draw lines that empower one group without disempowering another group," says Kathy Feng of the Asian Pacific American Legal Center in Los Angeles. "We want to give everyone the tools to participate in the process and to decide beforehand how many of the lines should be drawn. We want to provide legislators with the local perspective, the community view on where lines ought to be drawn. We want to be heard at the outset, not after lines are drawn and when litigation is the only hope."

"We've made sure that we've communicated with other ethnic groups," says MALDEF's Velez. "We need to come together as a coalition to discuss our differences and our similarities, because it's going backward to see minority groups pitted against each other over areas. Our voice will be heard much louder in the Legislature if we are united."

Boundaries by laptop

Adding yet another wrinkle to the process is the advance of technology. The building block for any district — local, state or federal — is the census tract; in years gone by, the Phil Burtons of the world crammed that information into their heads and knew how to draw districts without resorting to computers. Even in 1991, the technology to access census-tract data was cumbersome, the soft-

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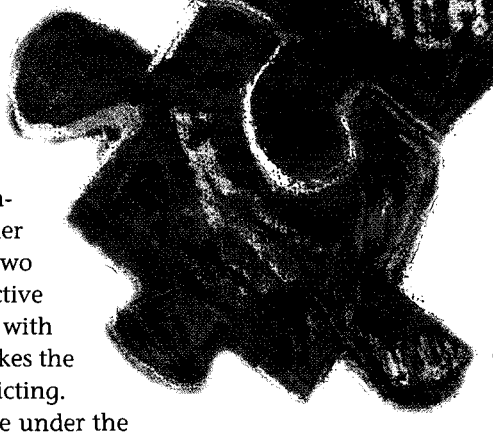
ware largely experimental and often expensive.

Today, those technological barriers have been obliterated, and a semi-powerful laptop — loaded with user-friendly software and data downloaded from the Institute for Governmental Studies at the University of California, Berkeley — can do the job without blowing a fuse. Thus, the redistricting/reapportionment process could be awash in conflicting maps generated by various parties and ethnic groups, each adding to the confusion and chaos.

As a result, some observers think the Legislature will respond by closing the door to outside groups. Its relevant committees may hold public hearings, but they'll merely serve as a front for the real work done in private. In the Assembly, the Elections and Reapportionment Committee bears the mandate for redistricting, and chairman John Longville (D-Rialto) believes his panel will play a substantial role in fashioning the new seats. Few insiders believe Longville's committee will do anything but put a public face on the process, with the real work done behind the scenes by, among others, Cavala in the Speaker's Office of Majority Services.

The situation is even murkier in the upper house. As of February, Senate President pro Tempore Burton had yet to name a chairman of the Senate Elections and Reapportionment Committee nor assign any members to it, fueling speculation that the committee itself will be virtually irrelevant to the process. And because term limits have all incumbents looking at their next seat rather than their current office, senators and Assembly members — even from the same party — may view themselves as competitors rather than allies. Thus, the two houses, and their respective leadership, may jockey with each other to see who takes the dominant role in redistricting.



That kind of warfare under the Capitol dome worries most of the groups that are concerned about the process, its eventual outcome and the impact on their constituencies.

"Politicians are going to lock out all nonpolitical players to cut down on the chaos," says Rice.

"The technology, the ethnic changes, the fact that everyone can draw a map and that politicians are concerned with a much broader array of districts [due to term limits] ... all means that politicians want even firmer control and won't want to have all the rest of us muck up the process."

Rice, who already is contemplating litigation over the results, warns: "It's going to be a five-ring circus."

A.G. Block is Editor-in-Chief at State Net, publisher of California Journal. *Comments may be sent to* **edit@statenet.com.**

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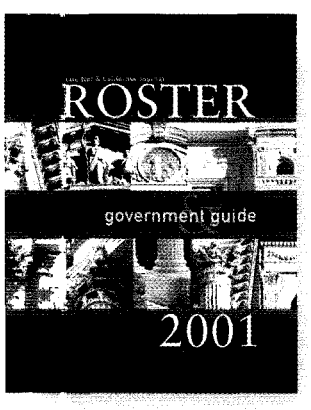

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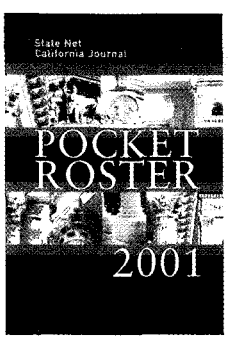

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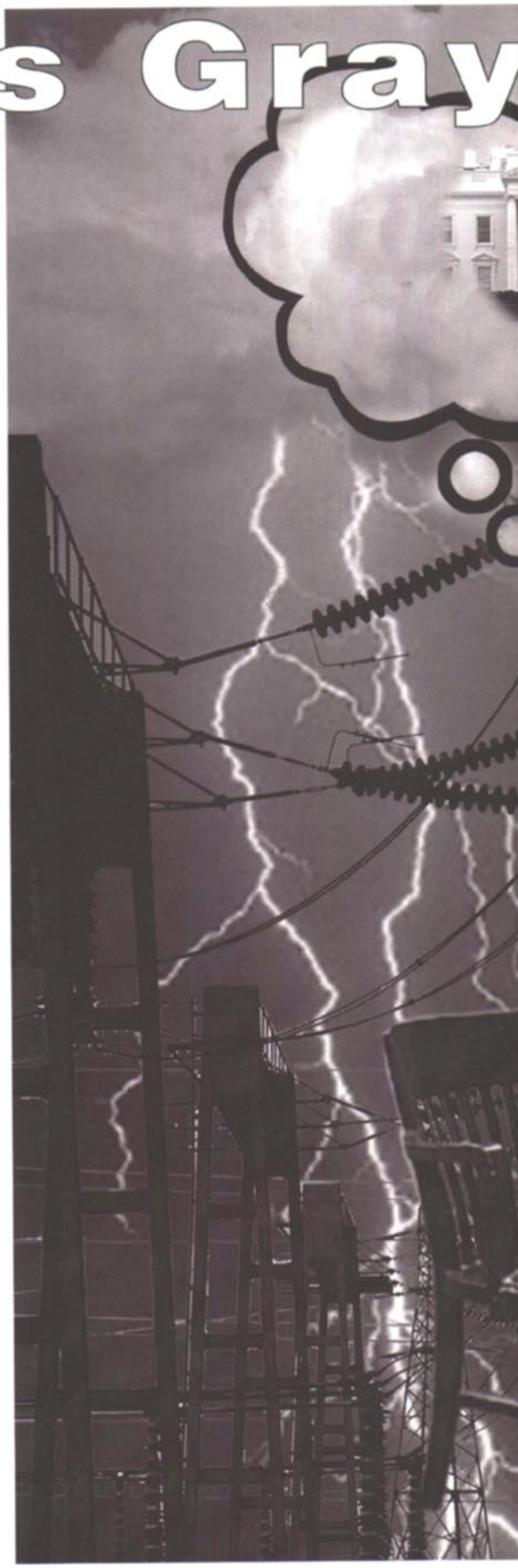
D.C. eyes Gray



Wowed by his money-raising ability, Washington,D.C., pundits are watching closely to see if centrist Governor Gray Davis manages to emerge a leader from California's energy crisis. And even if Davis lacks the charisma that national party leaders seek in a potential 2004 presidential candidate, so far he seems to have the public's support on his side.

By Carl M. Cannon

Kathy Sullivan, chairwoman of the New Hampshire state Democratic Party, recently received a Christmas card from Gray Davis and his wife, Sharon. Their missive added to a small pile of yuletide greetings sent by prominent Democrats. House Democratic leader Richard A. Gephardt sent one; so did Senate Majority Leader Thomas A. Daschle and Senator Evan Bayh of Indiana.

The good news is that Sullivan was impressed. The bad news is that when the *Boston Herald* mentioned Davis' gesture, it referred to him in passing as "the guy with the electricity problems."

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And so it goes these days for Gray Davis. He is, as polls in California confirm, a popular governor of the largest state in the union. As such, the early months of 2001 should be the time when his name vaults into the top tier of Democrats considered to have realistic presidential possibilities in 2004. But, as Democratic consultant James Carville might say: *It's the western power grid, stupid.*

And despite the insistence of his staff that the boss is focused onl on being governor, Davis has already exhibited tangible signs of interest in competing for the big prize.

All things being equal, a successful California governor with a pile of political money in the bank wouldn't care much about the opinion of an obscure party official in a tiny state or a New England tabloid. But all things are not equal in politics. New Hampshire is the site of the first presidential primary, and the Boston media holds great sway in the Granite State. And despite the insistence of his staff that the boss is focused only on being governor, Davis has already exhibited tangible signs of interest in competing for the big prize. He held a fundraiser for New Hampshire Governor Jeanne Shaheen at the Democratic convention in Los Angeles, and hired New Hampshire native Steve Maviglio to join his communications team in Sacramento. Davis also angled to take over the Democratic Governors Association, an organization once headed by Michael Dukakis and Bill Clinton.

"Gray Davis has not only put his toe in the water," Democratic consultant Peter Fenn said in December, "but his whole foot."

That said, what does it all mean? The editors of *California Journal* commissioned this piece because they wanted to know how Davis is perceived "in Washington." They didn't really mean Washington. They meant how is Davis viewed nationally by Democratic Party leaders, both elected and un-elected, and by the nation's top political reporters who will be covering the 2004 race — and will have much to say about whose campaigns get covered and whose get ignored.

A dubious start

Davis' start as a potential national political figure got off to an inauspicious start a year ago, at a February 29 breakfast with reporters in Washington. Davis was asked about some contentious earlier remarks he'd made to the effect that legislators ought to "implement my vision" and that appointees he names to state jobs should "keep the faith" — apparently meaning they should do what Davis tells them to do. At the breakfast, Davis amplified on this dubious point, saying that judges he appoints to the bench should resign if they subsequently find themselves in disagreement with Davis on important issues, such as capital punishment or same-sex marriage.

"I feel very passionately about this," added the man often nicked for his lack of passion.

This is a truly radical notion of the judiciary, way beyond the famous Washington formulation of a "litmus test." The Gray Davis standard would, if applied to the U.S. Supreme Court, have required the resignations of Justices Earl Warren, Harry Blackmun, David Souter and Anthony Kennedy, among others.

"Outrageous!" University of Southern California law school professor Erwin Chemerinsky promptly told the *Los Angeles Times*.

"It is appalling," added Phillip Johnson, a legal scholar at University of California, Berkeley. "It's entirely wrong."

That was the reaction in Washington as well. "I could hardly believe what I was hearing," recalls one national political writer present at the session. "It was not an auspicious beginning for him here."

Davis was not an unknown quantity to the national press corps when he became governor in 1998. He was remembered as chief of staff to former California Governor Jerry Brown and, by national political writers who care about such things, as a "New Democrat" before that term was popular.

Having said that, there aren't many observers who foresaw Davis emerging from a distant third place in the 1998 gubernatorial primary, let alone going on to wallop Republican Dan Lungren by 1.6 million votes. To this day, Davis and his team are surprisingly bitter about getting short shrift. "Gray's political obituary has been written three or four times just in the eight years I've been with him," says Davis political adviser Garry South. "The entire California press corps toe-tagged this guy." Today, like a football coach trying to fire up his players by telling them nobody respects them, South is sounding the same theme. "The national press are the ones burying him over this electricity issue," insists Coach South.

Strictly speaking, that isn't true. What the pundit class is saying, however, is that whoever caused the crisis, it is Davis' problem to solve. Asked what he foresees if Davis is

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credited with fixing the problem, Washington-based GOP pollster Frank Luntz replies, "If he does solve it, he will be invincible in 2002. About 2004, I'm not so sure. He's colorless and Democrats don't want another Gore. They don't want someone who speaks as if the snooze button just went off."

Davis' supposed lack of charisma is noticed by Democrats, too. One prominent consultant who went to Sacramento in 1997 to talk with Davis about his upcoming gubernatorial campaign, recalls coming out of the meeting and telling his partner, "That guy is the most boring candidate I've seen in years. He doesn't have a prayer." Today, this consultant tells this story with a laugh — although not with his name attached — adding, "Shows how much I know. A lot of people underestimated this guy; I don't any more, but some people still will."

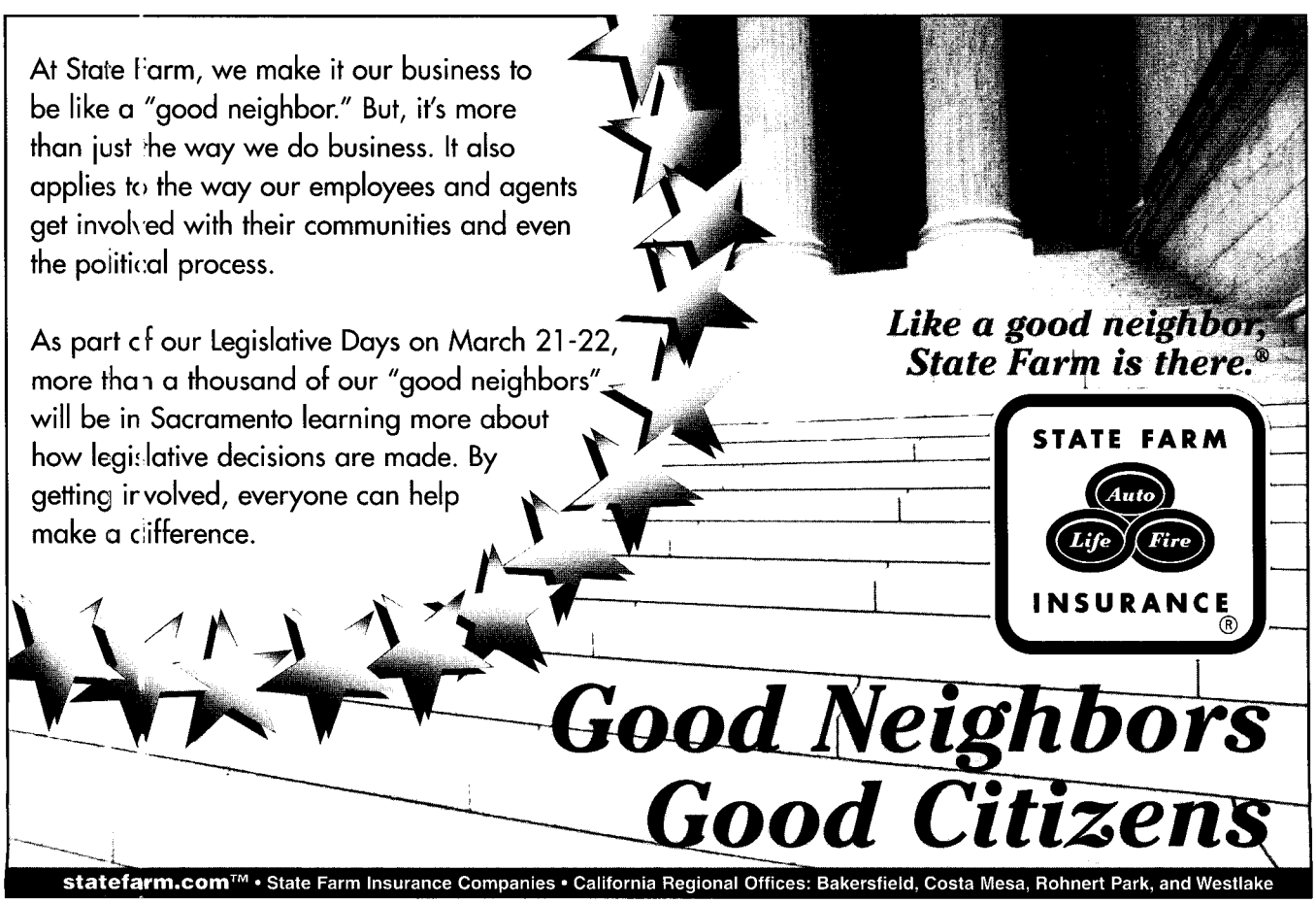
Charles E. Cook Jr., editor of the *Cook Political Report*, counts Davis among the 10 to 15 Democrats who will "do the window-shopping phase of the presidential campaign, thinking, looking, kicking the tires" in Iowa and New Hampshire. His guess is that only four or five will actually run, with money being the deciding factor. This is where Davis has a leg up on most of them. "Being governor of California, he will be able to raise gazillions," Cook said. "It makes him a player automatically."

Washington-based Democratic consultant Jim Duffy, commenting on Davis' existing financial reserves, adds, "Isn't it astounding? I've never seen anything like it — that's the reason he's being mentioned as a possible presidential candidate in 2004."

The war chest is worth dwelling on. Records filed on the last day of January with the Secretary of State's office show that Davis now has some $25.9 million on hand — for an election that is two years away. This clearly galls Secretary of State Bill Jones, the only statewide elected Republican, who himself reported having only $118,000 on hand — a fraction of the amount Davis figures to earn in *interest* from his money this year.

An effective attack ad might point out that Davis collected a lot of money from the utility companies that bollixed up deregulation — at a time they were laying off workers — and that one of Davis' $10,000 donors was Duke Power, one of the very out-of-state firms that Davis denounced in his Huey Long-type State of the State address as greedy "out-of-state profiteers." But it takes money to run ads in California, lots of it. For that reason, Davis forces believe the most likely threat in 2002 would come from a self-financed Republican of the Ron Unz/Tim Draper mold — or perhaps Arnold Schwarzenegger.

The other thing attracting notice outside California's borders is Davis' consistently high approval ratings at home — even among an electorate that doesn't believe he has handled the electric power crisis particularly well. A Field Poll conducted January 12-16 showed his job approval rating at 60 percent, his disapproval rating at 30 percent. In response to a campaign contributions question,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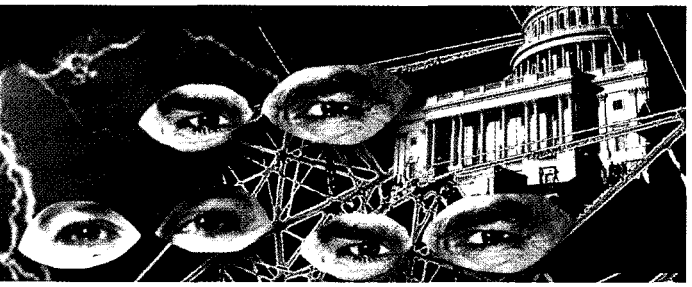
only one-fourth of the electorate thought contributions influenced Davis' decisions "a great deal." The one negative that stands out is that 53 percent quantify him as "too cautious" as opposed to 17 percent who said he is "about right" on the boldness meter. But that might not be such a bad thing, based on another question in the same poll: asked if Davis were "too liberal" or "too conservative," the respondents were equally divided.

Such numbers convince moderate Democrats in Washington that Davis is positioned about right, not only in California but nationally as well. "We regard him as one of the top three or four guys for 2004," says Matthew Frankel, an official with the Democratic Leadership Council, the centrist organization once headed by Clinton— and which propelled Senator Joseph Lieberman to national prominence. This organization's affinity for Davis was underscored at a January 12 seminar in Sacramento where South addressed the group. South's assessment is that Al Gore lost the 2000 campaign by ditching his own centrist roots and embracing the class-warfare populism of the old Democratic Party. "Garry rocked. He was just awesome," Frankel said. "It was as if he had already read our poll. But he couldn't, it wasn't out yet." This reference is to a survey done by Clinton pollster Mark Penn and announced with great fanfare in Washington on January 24 by the DLC. Penn's data indicated that Gore lost because he ran as "a big government liberal."



Before Davis gets to 2004, he needs to get to 2002 — with the lights on.

Party liberals disputed that analysis on the spot, but the discussion is useful for Davis' purposes, because it positions him on the spectrum nationally. If he runs for president in 2004, however, Davis will have competition for the centrist mantle. It could come from Lieberman or Bayh, the DLC's new chairman, or from Massachusetts' Senator John Kerry, who has worked closely with the DLC on education and "new economy" issues for a decade. Other Democrats thought to be considering the race include Gephardt and Daschle, former presidential candidates Robert Kerrey and Bill Bradley and Senators Joseph R. Biden Jr., John Edwards and, of course, Hillary Clinton. Among Davis' fellow governors, Georgia's Roy Barnes and Washington state's Gary Locke have been mentioned.

Of course, before Davis gets to 2004, he needs to get to 2002 — with the lights on. But recent California history suggests that the travails he's going through might prove the least of Davis' problems, and certainly less of a barrier than a lack of charisma and a field crowded with Democrats who are already nationally known. In his first term, Davis' predecessor contended with a deep recession, falling real estate prices, the Northridge earthquake, race riots, a hundred-year drought and a protracted struggle with the Legislature that left the state unable to pay contractors. Pete Wilson's job approval rating dipped as low as 15 percent. At his nadir, Wilson came to Washington for the Gridiron Dinner. Asked by an old friend how things were going, he laughed ruefully. "It's Biblical, man," Wilson deadpanned. "The only plague we haven't had yet is locusts."

Wilson won re-election comfortably just two years later. If Davis plays his hand correctly — and gets a little luck — he could not only weather the power crisis, but be seen nationally as a dragon slayer. When the energy debacle erupted, liberals blamed Wilson (who signed a flawed deregulation bill); conservatives blamed the environmentalists; the enviros blamed the utilities; economists blamed the Legislature (which passed deregulation unanimously) and the lawmakers blamed, well, the weather. It might have been comical if the problem wasn't so real. Davis' initial impulse was to scapegoat, but that ain't leadership. Leadership would be authorizing the state to sell up to $10 billion in bonds, streamlining the paperwork required to build new power plants and personally leading the conservation efforts. It took Davis awhile, but he ended up doing all of those. "My office is so dark you can almost develop film in it," Davis quipped. Later this year, four new power plants will come online, with five more expected within two years. Davis won't be responsible for them, though he might get some of the credit. The real test, however, will be whether his appointees on the Public Utilities Commission can do away with the paperwork, lengthy impact statements and other hurdles that resulted in California building no new power plants in the past decade — while Texas was building 22 of them.

If so, Davis' next challenge will be redirecting the millions of dollars left over in his war chest to make them spendable in New Hampshire and Iowa on a certain federal election. If the governor manages that trick, Kathy Sullivan may get her Christmas card hand-delivered by Davis.

Carl M. Cannon covers the White House for National Journal, *a nonpartisan Washington weekly magazine on politics and government. His last piece in* California Journal *was on Supreme Court Justice Anthony Kennedy.*

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letters to the forum

More deregulation, not less

California's electric power industry ["Electricity in California" January 2001] was *not* deregulated! The obvious truth to any objective observer is that the state's Legislature just restructured existing regulation and, due to events unforeseen at that time, very dire unintended consequences have been the result. Contrary to the collectivists' propaganda, it was not deregulation that failed; instead, it was the collectivists' regulation of the marketplace that failed. Clearly, the solution to the current problem is not more government regulation; instead, let the free market's invisible hand do its work, by full deregulation of the electric power industry, before more dire, unintended consequences result from regulation.

Johann Opitz
San Jose

PUC should change its role

"California's New Energy Legacy" in the January 2001 issue is not very good. The renewable [energy] ramblings in the article are decades from fruition and may not be the solution 10 years hence, (e.g. bio-engineered fuels using high efficiency photosynthesis).

But in the meantime, the PUC [Public Utilities Commission] should face up to the damage its socio-economic regulation of the utilities has caused over the past 30 years and either see to the full socialization of the utilities, or get out of the way and let the market work, and restrict its role to providing assistance to those too poor to live with that consequence.

R.A. Blais
Cupertino

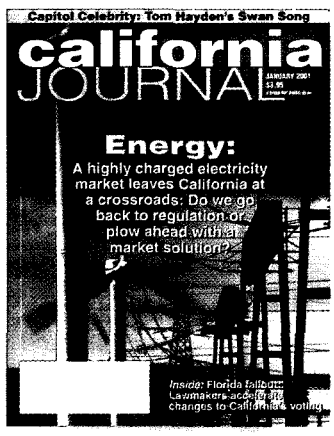
Standing up for Steve Peace

Starting off the year with your attack on Steve Peace [Upfront Umbrage, "Attack of the killer myths," January 2001] demonstrated more violence than a platoon of "Killer Tomatoes." I expected the editorial board of *California Journal* to be politically adept and sophisticated.

I know Peace. I, too, made the mistake of judging the man based on legislation. As a Republican, I doubted whether he would be open-minded and whether we could agree on anything.

Steve Peace never said it openly, but I think he was equally skeptical of my motives in 1992 when I met with him and offered to help craft legislation for workers' compensation reform. Beyond party differences, I represented Southern California Edison Company, California Self-Insurers Association and frequently the interest of Californians for Compensation Reform. Setting aside personal bias in order to seek solutions to a really complex system, Peace and I spent many hours together. I know firsthand the "Peace Death March," having lived through it until sweeping reform was achieved in July 1993.

This man was handed one of the most vexing and competitive issues of the day, and again in 1996. No less complex than deregulation, we are fortunate that the workers' comp system did not have a silent shadow interest waiting to garner the prize of a cornered market. Clearly, that is what we find with the wholesale power producers escalating the cost of power beyond anything anyone imagined.


Capitol Celebrity: Tom Hayden's Swan Song
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Energy:
A highly charged electricity market leaves California at a crossroads: Do we go back to regulation or plow ahead with a market solution?
Inside: Florida fallout
Lawmakers accept changes to California's voting

Peace sought answers from everyone. He was handed another tough job to do and he did it. He can be ruthless and curt, while cunning and intuitive. But beneath the facade is sensitivity and a sincere desire to do what is right, what is best and what makes sense, within the political arena.

Given the innumerable participants who filled the Capitol during the many hearings, committees and behind-the-scenes caucus sessions, Peace is no more responsible for the outcome of deregulation than other leaders, including the governor.

Quite simply, the legislation that was passed unanimously in California bit everyone in the fanny. Nobody expected that wholesale power producers would raise the price in a manner analogous to gasoline embargoes by OPEC in the 1970s.

If Steve Peace is blameworthy of anything, it is of not being prescient, a quality last provided to King Solomon. While Peace is gifted in many areas, even he could not foretell the future and neither could *California Journal*.

I have umbrage with your "Upfront" column and suggest you measure the whole of the man rather than judge him, or any other legislator, on the outcome of a once-heralded bill.

David R. Caine, contributing editor
California Workers' Compensation Enquirer
Lake Arrowhead

The GOP's kick in the pants

I have no comment on the content, insight, choice of subject, point of view, etc., but the illustration for "Surviving the Republican train wreck" [February 2001] is really bugging me.

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Here we have an elephant (the tusks appear more piglike than elephantine) with elephant paws (front hooves?) and human feet, wearing spectator oxfords (apparently without socks), bizarre star-patterned pants (one assumes in red, white and blue), an appropriately dazed/pained look and, for some reason, the pants are torn away to expose in fairly graphic detail, an apparently human derriere. To what purpose, I ask...?

Am I missing something in the context of the illustration or in the story? Unless there is something more here that I simply do not get, I am and will be offended by this. Thought you would want to know.

Bon Smith
Sacramento

National voting machines

I enjoyed your article and the information on California voting ["The Florida Backlash," January 2001]. During the Florida controversy, I kept waiting for someone from the [George] Bush campaign to point out the California rules (and probably those of most other states) to the Florida courts to use as guidance when doing recounts.

If the federal government provides money for uniform voting machines, it is reasonable that they can specify minimum conditions for federal elections. What kind of a national voting machine could the federal government provide to the nation's approximately 180,000 voting precincts? These machines would be required in federal elections every two years for Congress and every four for the presidential race. State and local governments would be allowed to use the machines for down-ticket and off-year elections. This would have the effect of providing national standards for national elections, as well as making the election process more secure.

Once standard voting machines are tested, some way should be found to overcome the problem of needing to verify the identity of the voter and of not having the voter's identity associated with [his or her] vote. Doing this and providing adequate security will enable voting to be extended to the Internet.

Bruce Bibee
Rosemead

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Ten things people should know about voting technology

By Kim Alexander

Like many people, I was initially excited about the idea of using the Internet to cast and count votes. At the first meeting of California's Internet Voting Task Force in 1999, I was the one suggesting it was something California should pursue. I'm grateful that my fellow task force members rejected my suggestion. In the months that followed, my own opinion changed dramatically. The more I learned, the more I realized how risky Internet voting can be. Here's what I believe Californians should know:

1. Voting is unlike any other transaction. People ask: "I can shop online, I can bank online, why can't I vote online?" The answer is that voting is not like those transactions. Credit card companies and banks tolerate a degree of fraud in all of their transactions. We could not similarly accept any degree of fraud in voting. It is not impossible to build an online voting system, but it poses unique challenges.

2. There are two kinds of Internet voting. Polling place Internet voting takes place at an election precinct or station in a secure, private booth. Remote Internet voting means from your computer at home or work.

3. Remote Internet voting is highly susceptible to voter fraud. Voting on a computer that's not maintained by election officials puts that computer at great risk of a hacking attack. Remote Internet voting likely would give rise to a whole new wave of voter fraud attacks.

4. Remote Internet voting undermines the secret ballot. If we vote at work, our co-workers or supervisors might watch or, worse, coerce us into voting a certain way. Even if someone wasn't standing over your shoulder, the company computer could retain a copy of your ballot.

5. Remote Internet voting poses a threat to personal privacy. How would we authenticate the identity of voters? The most secure way is to use biometric scanning procedures, such as finger-printing scans. Many Americans find such security measures invasive. For every degree of convenience we gain through technology, there often is a corresponding loss of privacy.

6. A huge gap exists between politics and technology. Too few people have a working knowledge of both politics and technology. Many political experts who talk about Internet voting don't appreciate the technological risks of voting online, while technologically savvy people often fail to appreciate the complexities of our voting process. Closing the politics and technology gap will make for better public policy.

7. Voting technology spans a generational gap. Last year, a Public Policy Institute of California survey found that support for Internet voting is highest among 18- to 34-year-olds (59 percent) and lowest among those 55 and over (27 percent). New technology may provide an opportunity to engage alienated young people, but we must be careful we don't alienate older voters in the process.

8. More voter education is needed. There is a profound lack of reliable, nonpartisan voting information. Most information comes in the form of campaign mailers and 30-second spots designed to confuse, manipulate or scare voters. We can begin to address this problem by appropriating federal and state funds to nonpartisan voter education efforts.

9. "Transparency" in the voting process is essential. Whatever changes we make to our voting technology, we must not sacrifice the trust that is gained by having a "transparent" process where voters can see their ballots and know that they will be counted fairly. Requiring that new voting software code be open to public scrutiny also will foster voter security.

10. Voter confidence may require a mix of paper and computers. To foster voter confidence in new voting technology, it would be wise to consider using a mix of paper and computers, so that we could create a paper audit trail and thwart attempts to rig voting software.

Computerized voting is both one of the most exciting and potentially dangerous ideas of our time.

I raise concerns about Internet voting not because I am pessimistic. On the contrary, I am very optimistic about the opportunities to advance and transform democracy using computers and the Internet. But because I cherish democracy, I view computerized voting as both one of the most exciting and potentially dangerous ideas of our time. Whatever we do to upgrade voting technology, we must ensure that all voters have an equal chance of having their votes counted.

Kim Alexander is president of the California Voter Foundation. An expanded version of her comments can be found on CVF's Web site: www.calvoter.org. Comments on this column may be sent to **edit@statenet.com**.

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Ruthann Schulte & Robert Darby - Environmental Stewardship Director and Aquatic Biologist, The Pacific Lumber Company

Promises Made.

Nearly two years ago, The Pacific Lumber Company embarked on an unprecedented examination of our forestlands and the streams that run through them. We promised to let science be our guide and agreed to conduct comprehensive analysis of each watershed on our property. This process will assure that fish and wildlife are protected, water quality is improved and that a long-term sustainable supply of wood products is provided.

What We Learned.

Today, we are completing the first such analysis in the Freshwater Creek watershed. The analysis by a team of scientists – biologists, hydrologists, geologists and other experts – has told us a great deal about our streams in the Freshwater basin and the fish and wildlife that depend upon them:

- The watershed has a great deal of quality fish habitat with an abundant population of salmon and steelhead trout.

- Water temperatures are generally cool and there is plenty of large wood material in the stream system – key ingredients for fish and other aquatic life.

- A couple of stretches of Freshwater Creek have experienced filling with sediment. This filling is a product of both natural causes and past management activities. This channel filling, recent winters with heavy rainfall and residential development in the floodplain have combined to produce ongoing flooding problems in these areas.

- Roads and railroads, especially those constructed in the past – in some cases decades ago – are the primary management-related cause of sediment getting into streams.

- Areas most prone to landslides have been identified and mapped so that the measures can be developed to reduce the risk of future landslides.

Promises Kept.

Now, working with state and federal fish and wildlife agencies, we're using this information to design scientifically-based "site-specific" protections to be used during timber harvesting in the Freshwater watershed.

We've already corrected many of the problems caused by past practices, in many cases decades-old, by stormproofing our road system. To date, more than 30 miles of roads have been treated in the basin, substantially reducing the amount of sediment entering streams.

At The Pacific Lumber Company we're proud to be keeping our promise to let science be our guide.

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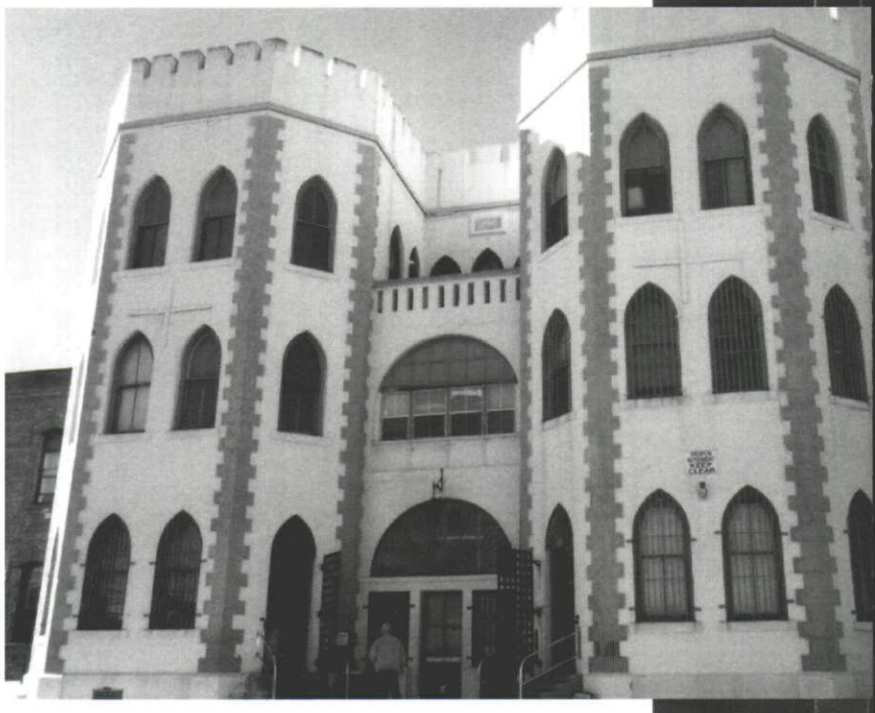
A Ticking Time Bomb?



There are nearly 600 inmates on California's Death Row, biding their time inside the state's oldest prison, San Quentin. Increasingly, some are showing signs of violent unrest. Officials want to defuse the situation by moving these condemned inmates to a newer prison, but that requires scaling some steep political obstacles.

By Noel Brinkerhoff

Common sense would seem to dictate that if California is going to amass hundreds of convicted murderers in one prison, especially one situated in a highly urbanized area, it might want to house these dangerous felons in a state-of-the-art, maximum-security facility equipped with sturdy walls and guard towers, a high-voltage fence and clear lines of sight for guards keeping watch. But that's hardly the case today at San Quentin State Prison, located on the shores of the San Francisco Bay. There, on a scenic breakwater in Marin County, almost 600 condemned prisoners spend their days on Death Row in a penitentiary that is a century-and-a-half-old — a prison that's experiencing erosion of its aged walls and guard towers, that has blind spots because of the complex's poor original design, and that

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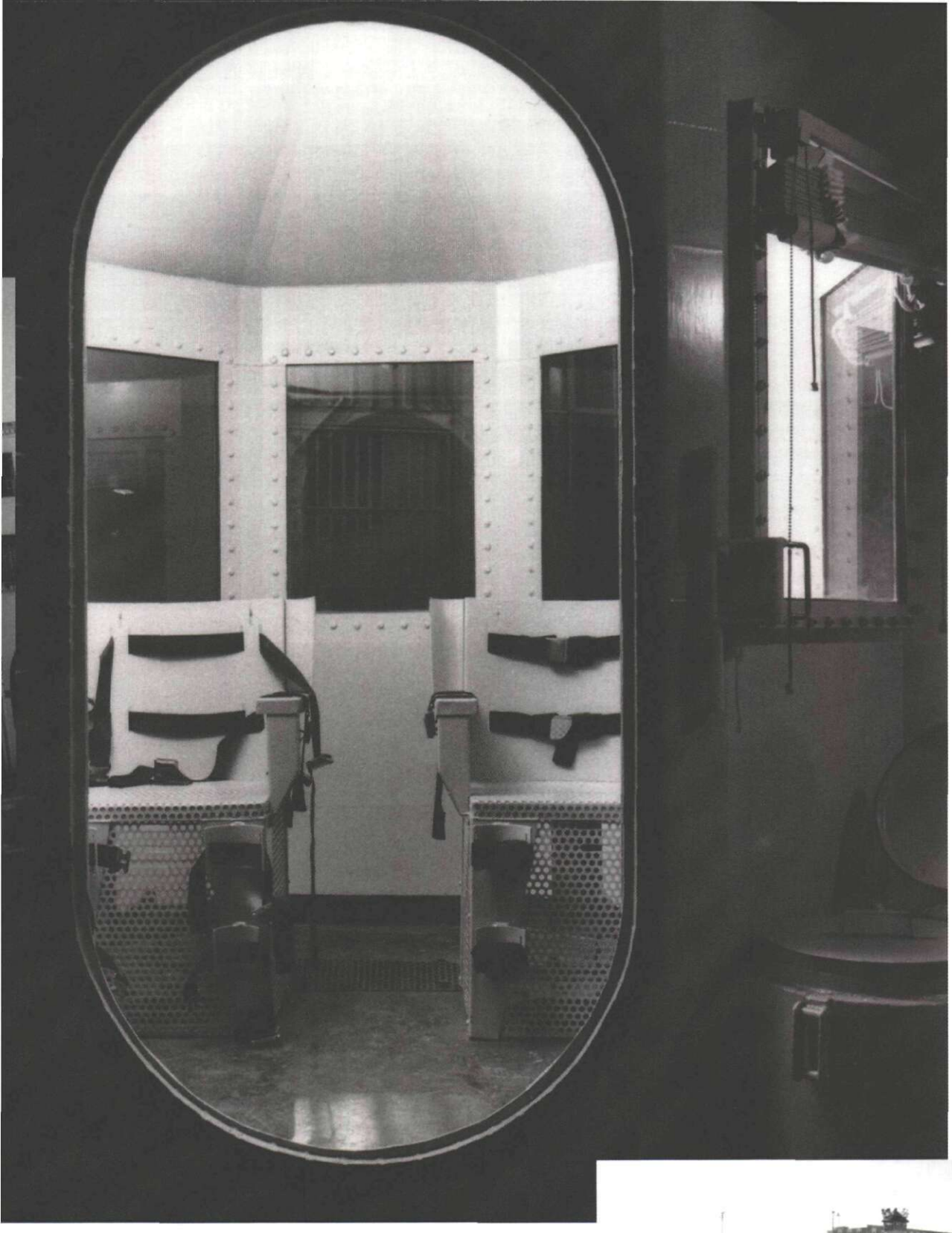

Far left: The front entrance of San Quentin's main building, built in 1852. (Photo by Noel Brinkerhoff)
Left: San Quentin's gas chamber sits waiting.
Below: San Quentin occupies a prime piece of San Francisco Bay *real estate.* (Photo by Noel Brinkerhoff)

has no electrified fence surrounding its compound. Furthermore, San Quentin isn't even classified as a maximum-security prison by the state of California — a decision that has left the prison staffed with fewer guards atop its walls and in its towers than other California prisons housing inmates convicted of violent crimes.

This precarious situation has been allowed by the state to continue quietly for years — quietly because nothing

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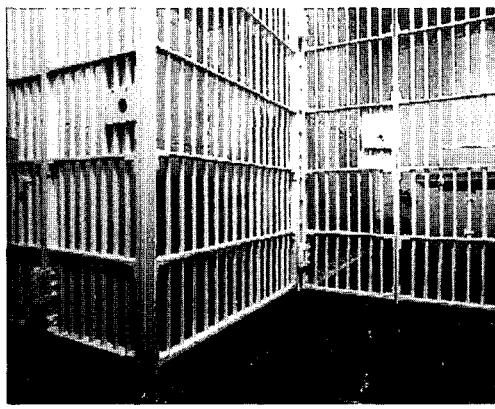
horrendous, such as a riot or an escape from Death Row, has occurred at San Quentin since the 1970s. But in the eyes of some prison officials and state lawmakers, California is living on borrowed time, thanks to the potentially dangerous combination of an antiquated prison holding convicted murderers who, lately, are showing signs of violent unrest. In recent months, attacks on San Quentin staff by condemned prisoners have escalated dramatically, alarming officials and leaving some fearful that a riot or an escape may yet happen unless the state moves California's Death Row population to a newer, more secure correctional facility.

But if history is any indication, moving Death Row will not be easy, nor a sure thing. The state has talked before about finding a new home for California's condemned but has not acted — thanks to a lack of impetus on the part of high-level officials. Currently, this appears not to be the case with Governor Gray Davis' top prison appointee, Robert Presley, secretary of the Youth and Adult Correctional Agency. "It should have been done years ago," says Presley about the relocation of Death Row. "It just should be located at one of the more modern prisons where you have very, very tight security."

But Presley admits that moving Death Row may take longer than he would like — due to the political obstacles to overcome, such as opposition from defense attorneys and their allies and from communities in the running to become the next destination for California's condemned and their executions.

The walls, they be a-crumblin'

Millard Fillmore occupied the White House and the Civil War was still a decade away when San Quentin first opened in 1852, making it by far the oldest operating prison in California. In 1984, as part of a court-ordered reshuffling to ease inmate overcrowding in the state penal system, officials relocated all of San Quentin's maximum-security inmates — except the approximately 100 who were then on Death Row — to newer prisons near Fresno and Sacramento. Death Row was left at San Quentin because state law requires executions to be held only at the Bay Area prison. Since the number of inmates on Death Row was relatively small and the prison's remaining inmate population consisted only of nonviolent prisoners, California Department of Corrections officials decided 15 years ago to downgrade San Quentin to a level II facility (minimum/medium security), which resulted in a corresponding reduction in staff, including perimeter security. But over the years, the number of Death Row prisoners — now totaling 579 at San Quentin (the 12 women awaiting execution are housed at a women's correctional facility near Chowchilla) — has grown without any corresponding upgrade in the prison's security. And that has one prominent, longtime prison guard leader rather nervous.



An execution holding cell (photo from CDC Web site

"It's easier to escape from inside the prison now than it ever was in the past," says Don Novey, a 30-year correctional officer and president of the state's prison guards union, the California Correctional Peace Officers Association. "A lot of people don't even know that. People don't talk about it — probably for obvious reasons."

Novey's concern is shared by others, including Presley and Republican Assemblyman Bill Leonard of Rancho Cucamonga. "I've felt for a long time that Death Row should be relocated out of there — primarily for security reasons," says Presley, who's worried about the shuffling San Quentin officials have done over the years to make room for condemned inmates, renovating one building

California Capital Punishment

1851
Legal executions authorized under the Criminal Practices Act of 1851.

1891
Amendments adopted providing for capital punishment to occur inside state prisons. Until 1891, executions were conducted by county sheriffs.

1893
First state-conducted execution. Jose Gabriel, convicted of murdering an elderly farm couple, was hanged at San Quentin. Executions (by hanging) conducted at both existing state prisons — San Quentin and Folsom.

1937
Legislature replaces hanging with lethal gas as execution method. Final execution by hanging at Folsom State Prison.

1938
Gas chamber installed at San Quentin. First executions by lethal gas were Robert Lee Cannon and Albert Kessel, convicted of murdering Warden Clarence Larkin.

1941
Ethel Leta Juanita Spinelli becomes the first woman executed by lethal gas in California.

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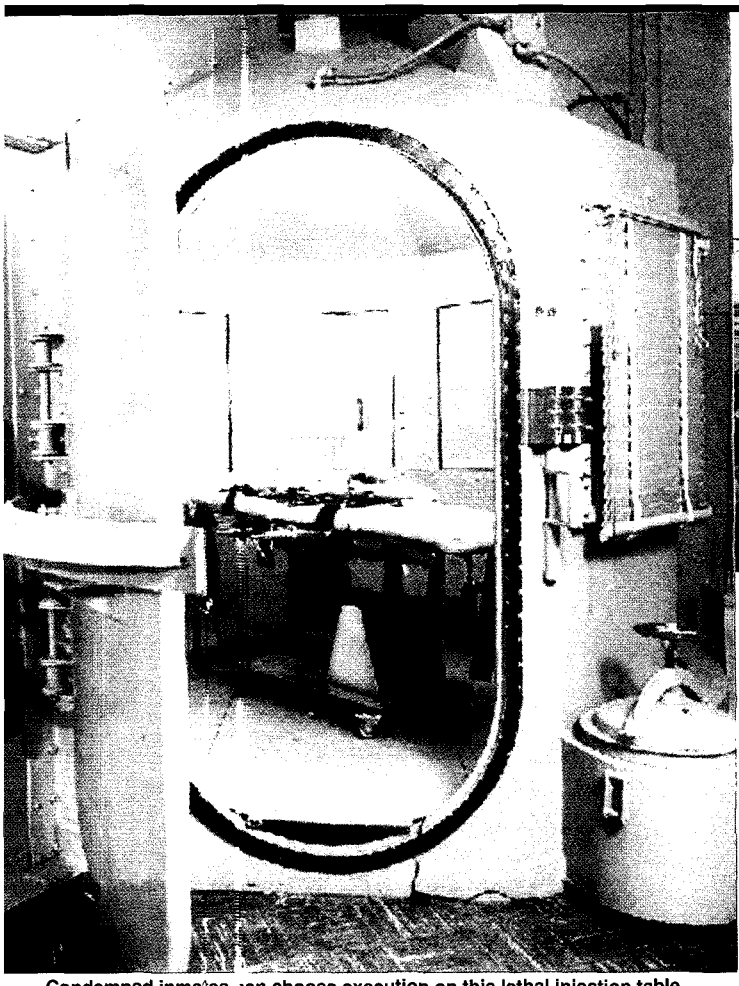
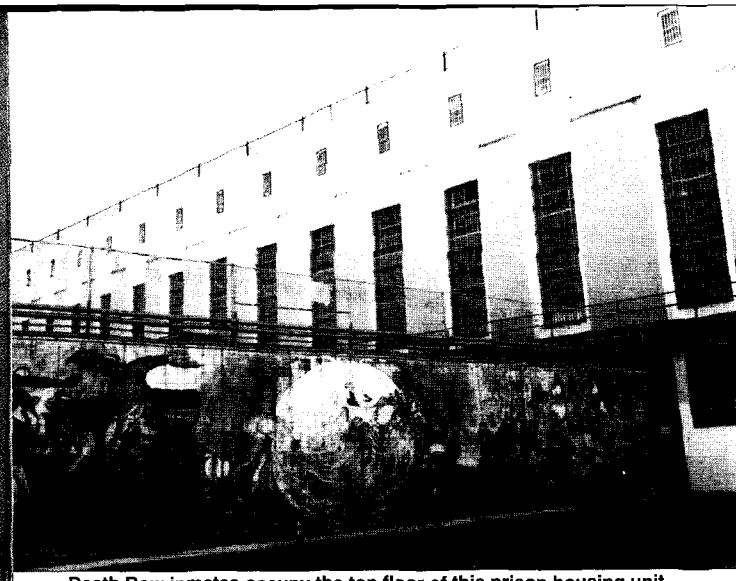


Condemned inmates can choose execution on this lethal injection table. (photo from CDC Web site)



Death Row inmates occupy the top floor of this prison housing unit.

after another, none of them originally designed to house Death Row inmates.

For Leonard, who has visited numerous prisons during his 23 years in the Legislature, San Quentin is a "ticking bomb" — and the first prison that ever made him "afraid" while visiting it. "This is the prison that bothered me the most," he said after touring San Quentin last fall. "Security-wise, it was the least safe that I had seen. We were instructed not to walk on a certain road because the wall was falling down — and it was a *security* wall."

That's not all that's falling down at San Quentin. According to Stephen Green, Presley's assistant secretary for external affairs and communications, one of the guard towers at the prison was "perilously close" to toppling over until a plug of concrete was inserted to shore up the structure. Between the prison's age and its location right on the bay, erosion has become a constant battle — with $6 million alone being spent this year to control the decay. San Quentin is "being washed away by the bay," says Green.

In addition, annual general maintenance is far more costly at the 150-year-old penitentiary than at California's newer prisons — $11 million compared to an average of $8 million, according to a recent analysis by corrections officials. On top of that, the state is spending $50 million over eight years to seismically retrofit all of San Quentin's buildings to reduce the prison's vulnerability to earthquakes that tend to strike the fault-laden Bay Area.

A powder keg

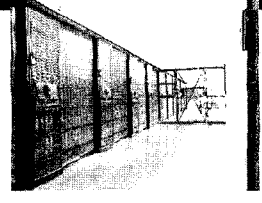
To make matters worse, it appears that tensions are building to dangerous levels among those sitting on Death Row, brought about by a year-long decision to suspend

1942

Final execution by hanging at San Quentin. A total of 215 inmates were executed at the prison by hanging.

1962

Elizabeth Ann Duncan, the last woman to date to be executed by lethal gas.



1967

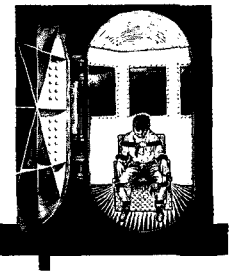
Aaron Mitchell, convicted of killing a peace officer during a robbery, is executed by lethal gas. A total of 194 inmates executed by lethal gas: 190 men and four women.

1972 & 1976

Death sentence declared unconstitutional. A total of 175 inmates taken off condemned list.

1977

California Legislature re-enacts the death penalty statute.



1978

California voters approve Proposition 7, *reaffirming* the death penalty.

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visiting privileges for inmates. According to Lt. Vernel Crittenden, a San Quentin spokesman, Warden Jeanne Woodford eliminated in-person visits last March following an attack in the prison's visitation center in which one Death Row inmate, a member of the Rolling 60's Crips street gang, repeatedly stabbed another inmate, a member of the Blue Note Crips, in the shoulder and face with a makeshift weapon. After reviewing the incident, Woodford decided to cancel all visits until prison officials could redesign the visitation center to make it more secure for visitors, staff and inmates. However, construction for the revamped center was delayed when funding for the project didn't arrive from Sacramento until last December.

During this period, assaults on staff have risen "astronomically," according to Novey, who receives copies of all incident reports filed with the state by rank-and-file guards. Crittenden confirmed that assaults have indeed increased. He said there have been 15 to 20 attacks on guards by condemned prisoners just within the last eight months — compared to only five attacks during the previous three years combined. Most of those attacks, Crittenden says, have been perpetrated by prisoners aligned with the Mexican Mafia. "They are at war with us," he says.

Steven Fama, an attorney with the Prison Law Office, which represents inmates on Death Row, called the decision to suspend visitations "unfortunate." While he understands why the warden took action in the wake of the stabbing, he nevertheless laments the prolonged lack of contact for inmates. "That visiting is very important, particularly given the lengthy period that these prisoners spend on the row," says Fama, who has noticed a rise in "tension and anxiety" among many of San Quentin's condemned.

Between the reports he's seen and discussions he's had with inmates at the prison, Novey is afraid San Quentin is headed down the same road as Pelican Bay State Prison, where a large-scale riot erupted last February involving 200 inmates, killing one. Such an outbreak of violence could be especially dangerous at San Quentin, according to Novey, given the prison's age and current level of security.

The prison cafeteria features a mural painted by inmate Charles Metz in 1949. (Photo by Noel Brinkerhoff)

"I don't know if it's going to be a breakout into an escape or just a breakout in the general population where a bunch of people get killed," says Novey, "but one of those two scenarios is going to occur."

When asked whether he shared Novey's fear of a riot happening at San Quentin, Presley said he does — to an extent. "I don't know if I would anticipate a riot, but I do have concerns about it — safety and security."

Tough walls to scale

Because of those concerns, Presley would like to move Death Row to a newer institution in the state correctional system. In fact, he's wanted to do this since his days in the Legislature when he introduced a bill in the 1980s to shut

1992

Robert Alton Harris, convicted of killing two teenagers in San Diego, is executed by lethal gas — the first California execution in 25 years.

California law changed to allow condemned inmates to choose their method of execution, either by lethal gas or lethal injection.

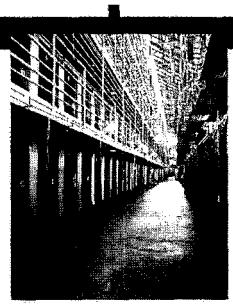
1993

1995

U.S. district judge rules the gas chamber is cruel and unusual punishment.

Serial killer William George Bonin, convicted of sexually assaulting and killing 14 boys in Los Angeles and Orange counties, becomes the first California inmate executed by lethal injection.

1996



Source: California Dept. of Corrections

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Aerial view of "New Folsom" (foreground) and the Old Folsom prison (top left).

n Quentin's original hospital building.
hoto by Noel Brinkerhoff)

down San Quentin. But that attempt, like others that have periodically occured over the years, went nowhere — despite the added push by those in tony Marin County who believe the land beneath San Quentin is too valuable to tie up with a state prison.

As Fama says, "The only thing that's as old as San Quentin are suggestions that it be closed."

The Prison Law Office and other members of the defense bar, including the Habeas Corpus Resource Center and the California Appellate Project, are seen as the primary opponents to a relocation. For attorneys who handle capital punishment cases, San Quentin has been an ideal location because of both its close proximity to federal and state courts in San Francisco, including the state Supreme Court, and the surrounding supportive community of the Bay Area, which can be counted upon to produce death penalty protests during executions. "It's handier for them to have [Death Row] there," says Presley.

Fama, however, says he's most concerned about the well-being of the inmates, and how a relocation might disrupt their participation in the educational programs found at San Quentin. Those privileges would need to be transferred to wherever Death Row is moved, insists Fama, or else "the state is asking for problems ... that perhaps have legal implications."

As far as where Death Row might wind up, the consensus among observers seems to be California State Prison, Sacramento, or "New Folsom" as it's commonly known. With other maximum-security prisons such as Pelican Bay near the Oregon border and Corcoran State Prison in the San Joaquin Valley considered too remote, New Folsom appears to have the right elements — it's high security, comparatively new and close to federal and state courts in Sacramento. But opposition may develop from the city of Folsom, which would rather be known as a high-tech Mecca instead of the new home of California's condemned prisoners and their executions.

"Wherever we move it, I suspect there will be some kind of opposition [from the locals]," says Presley.

When asked to gauge the sentiments of the community, Folsom City Manager Martha Lofgren said it would be premature to comment on a move that's only a rumor. However, Lofgren did add, "Overall, [Death Row] would not be something Folsom would be soliciting."

Another stumbling block to moving Death Row may come from within the state Legislature. Because state law mandates that San Quentin host executions, any legislation altering that provision of law would have to be approved by Senate President pro Tempore John Burton, whose Bay Area district includes San Francisco and the portion of Marin County where San Quentin sits. And because of Burton's position of power, not to mention his legendary temper, "no one is willing to piss him off," says one Capitol staffer, if Burton is opposed to a Death Row move.

If last year is a guide, Burton, an opponent of capital punishment, doesn't appear to be supportive of such a move. When Leonard carried legislation calling for the shutdown of the prison, Burton objected and blocked the bill, arguing the action was premature. Instead, funding was put into the state budget for a study to examine the details and ramifications of closure and relocation of inmates. That study is due to be completed this summer, with the possibility of public hearings to follow, says Leonard.

Burton, preoccupied with the energy crisis when this story went to press, did not return phone calls seeking his comment.

As for Governor Davis, Novey says he has spoken personally with the governor about the importance of moving Death Row. Davis' reaction, according to Novey: "We'll take a look at it." But the governor can ill afford not to act, Novey insists, and run the risk of an escape by Death Row inmates. If that were to happen, "a governor can kiss his good ass goodbye politically," he says.

Presley says he's discussed the relocation issue with members of Davis' staff but, with the energy crisis monopolizing the governor's attention, Death Row isn't a priority for Davis. That, combined with other obstacles, leaves Presley to speculate that a move is "not going to happen soon — and that's unfortunate."

Noel Brinkerhoff is an associate editor of California Journal. *Comments may be sent to* **edit@statenet.com.**

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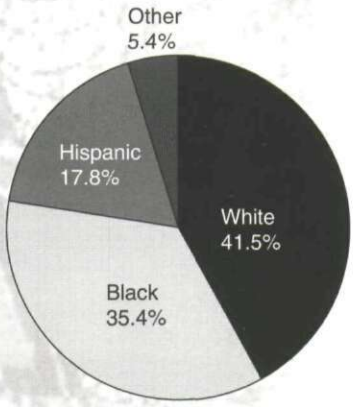
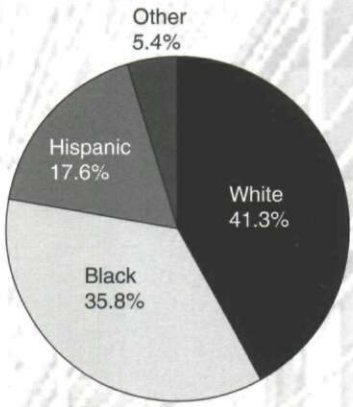
Lives on the line: Death Row facts

California's Death Row is home to 591 inmates — 12 women and 579 men— as of December 2000. Their demographic breakdown is shown below.The next execution, of convicted triple-murderer Robert Massie of San Francisco County, is scheduled for March 27 at San Quentin.

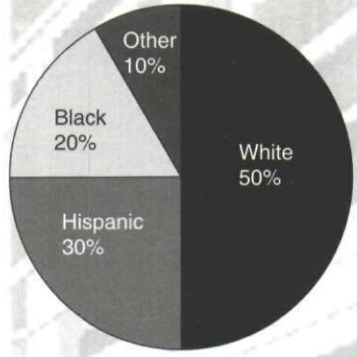
Ethnicity



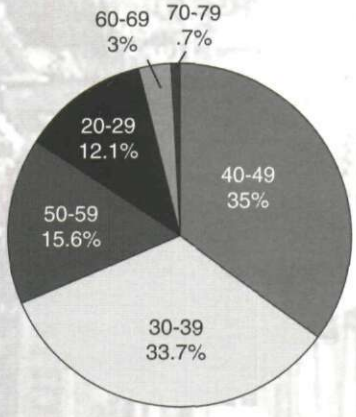
Male ethnicity



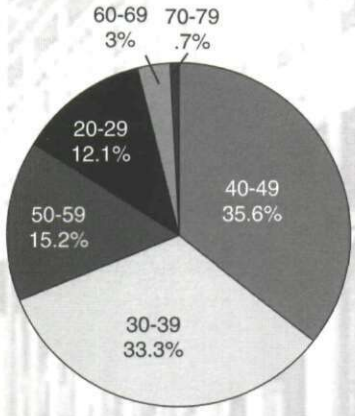
Female ethnicity



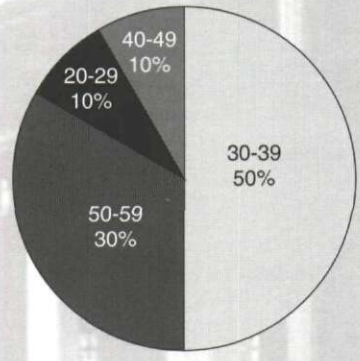
Age range



Male age range

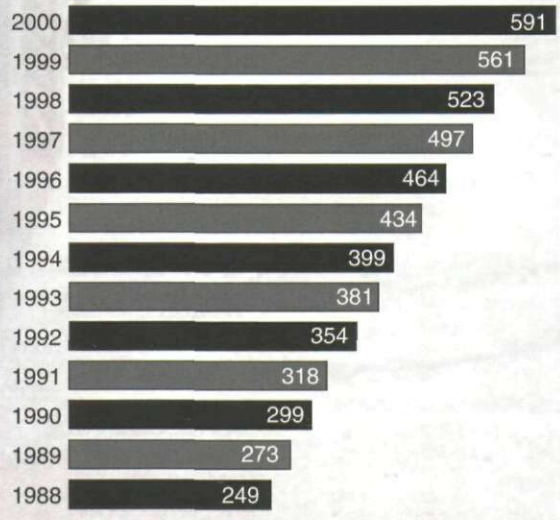


Female age range



Annual Death Row Count

During the last decade, the number of inmates condemned to die has steadily increased.



Top 10 Sentencing Counties

California's urban counties lead the state in sentencing inmates to death. The number of inmates — and their percentage of the total Death Row population — are listed below.

1. Los Angeles	171	28.9%
2. Riverside	46	7.8%
3. Orange	43	7.3%
4. Alameda	37	6.3%
5. Sacramento	32	5.4%
6. San Bernardino	31	5.2%
7. San Diego	30	5.1%
8. Santa Clara	27	4.6%
9. Kern	22	3.7%
10. San Mateo	17	2.9%

Source: California Dept. of Corrections, January 2001

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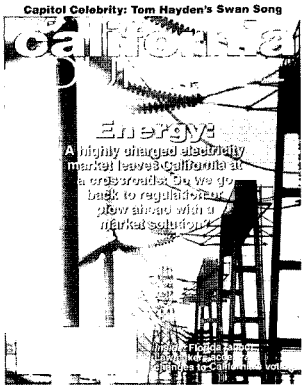
California Journal & State Net Publications

California Journal



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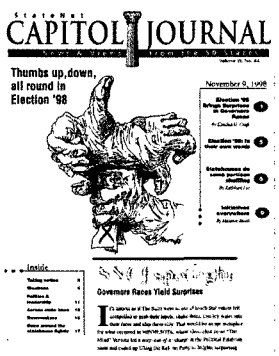

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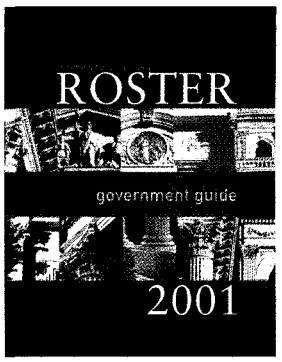

This 8½x11" Roster contains the name, address, telephone number, top staff and district offices of every member of the Assembly, state Senate, and Congress plus constitutional officers and state departments. Includes 195 photos, legislative process chart, and committee memberships. *Annual, 40 pages, $3.50. Bulk discounts available.*

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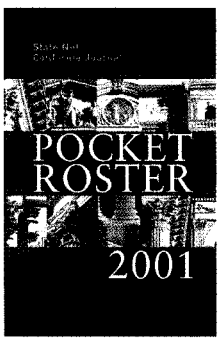

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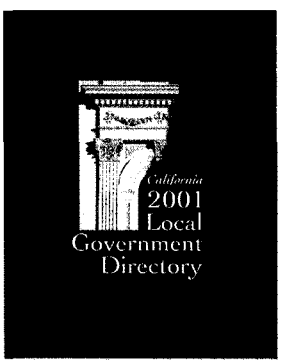

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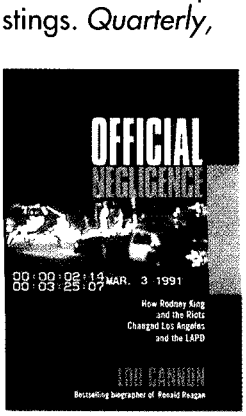

The Rodney King beating, the trial and its terrible aftermath form the core of this exhaustive study by longtime Washington Post reporter and columnist. *Hard cover, Random House, 698 pages, $15.95. paper.*

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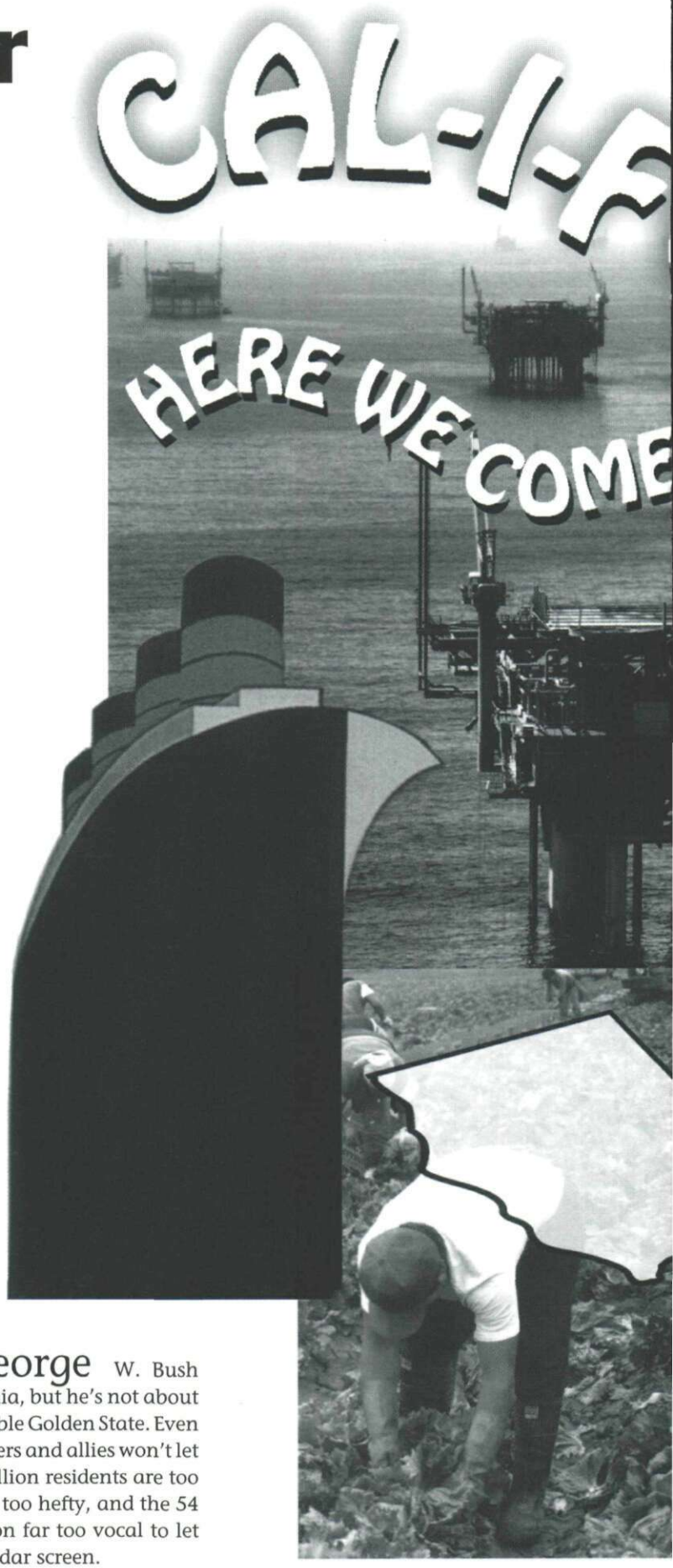
What's up for the Golden State?

He captured the presidency but George W. Bush didn't capture the hearts of most California voters. What that means for California — from presidential visits to protecting the varied interests of environmentalists, businesses and farmers — is the question everyone's asking. Just how much respect will California get?

By Michael Doyle



President George W. Bush may have lost California, but he's not about to write off the formidable Golden State. Even if he'd like to, his advisers and allies won't let him. The state's 34 million residents are too many, the $1.2 trillion-a-year economy too hefty, and the 54 members of the congressional delegation far too vocal to let California slip from the White House radar screen.

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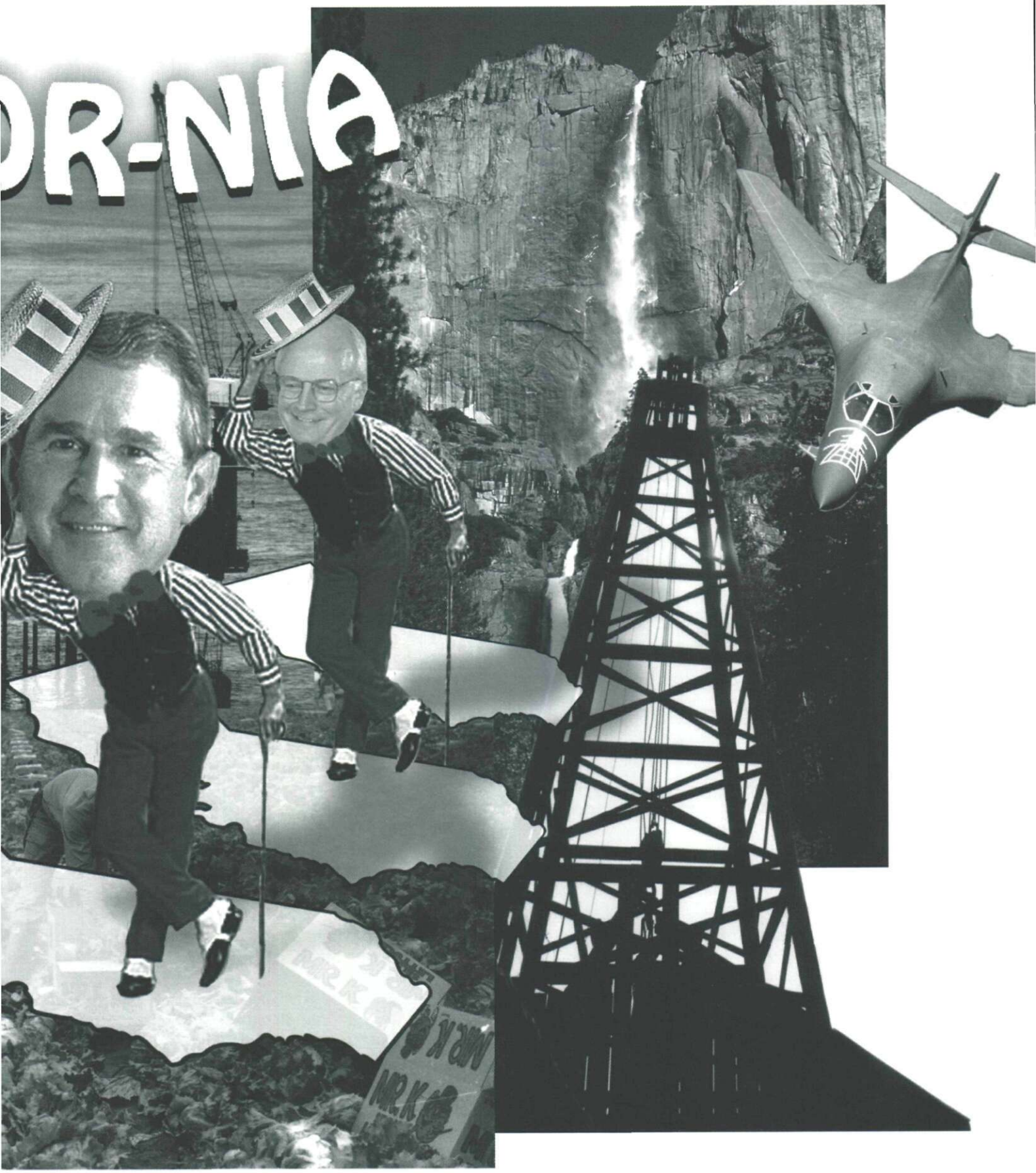

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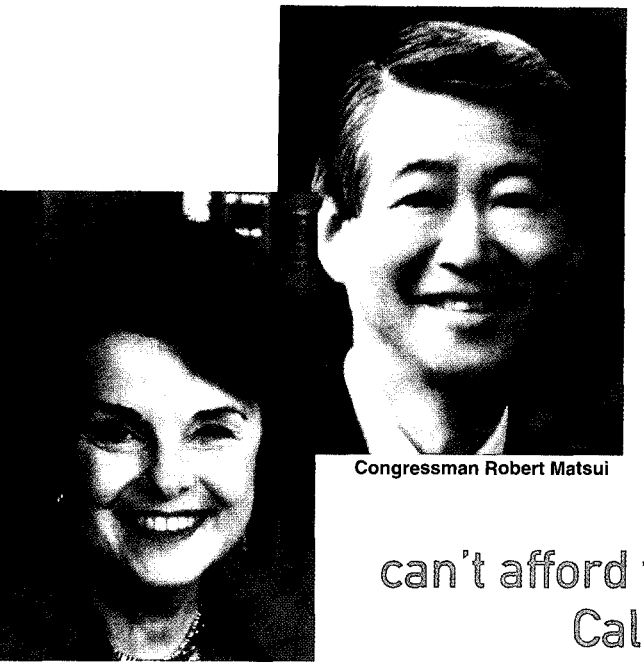

Congressman Robert Matsui

U.S. Senator Dianne Feinstein

much as Gore. Once in office, Bush wooed the Golden State by naming three Californians to his Cabinet, as well as tapping a fourth to be his national security adviser.

Two of those appointees, Agriculture Secretary Ann Veneman, a Modesto native who once headed the California Department of Food and Agriculture, and Transportation Secretary Norman Mineta, a Democrat who represented San Jose in Congress for two decades, now head agencies with deeply imbedded responsibilities in the state. Veterans Affairs Secretary Anthony Principi, a former San Diego businessman, runs an agency that administers this state's four dozen clinics, hospitals and cemeteries for veterans.

"Anybody who wants to run for another term as president can't afford to avoid California. You ignore California at your peril."
— U.S. Senator Dianne Feinstein

"Anybody who wants to run for another term as president can't afford to avoid California," said Democratic U.S. Senator Dianne Feinstein. "You ignore California at your peril."

No one — Republicans and Democrats alike — is expecting Bush to ignore the state.

Which is not to say that Bush will stroke the state quite like his predecessor Bill Clinton. Reporters dutifully counted every Clinton visit to California as indicative of his affection for the state. In particular, Clinton's personal and campaign fundraising ties to Hollywood exemplified his California connection, especially among Republicans who delighted in derisively linking Clinton with Barbra Streisand and other high-wattage Hollywood stars in the same scornful sentence.

Bush is expected to court California just as diligently as Clinton did, but with a whole different style. Rather than dancing and saxophoning with Hollywood's glitterati, Bush appears likely to be far more comfortable with down-home schmoozing at a Central Valley barbecue.

Although Al Gore collected 1.3 million more presidential votes in California, the state was not a complete washout for Bush. The Texan scooped up $9 million in California campaign contributions, twice as

California connections

The growing list of Bush appointees includes others whose ears are tuned to California's frequency. Lezlee Westine, a lawyer and one-time staffer for former Governor Pete Wilson, was tapped to head the White House Office of Public Liaison, after serving as vice president of Technology Network, the Silicon Valley advocacy group. Treasury Secretary Paul O'Neill, a graduate of California State University, Fresno, and Labor Secretary Elaine Chao, who once worked for Bank of America in San Francisco and did volunteer campaign work for such Republican candidates as Wilson, likewise speak California-ese.

"There are a lot of people who were a bit surprised at the amount of attention President Bush has already directed California's way," said House member Jerry Lewis (R-San Bernardino), "but there's just bound to be a very special relationship...the White House knows that the state is vital to the success of the administration."

Given that there are roughly 7,000 executive branch positions to be filled by a new president, it's likely that California will be further represented. The state's water agency honchos, for instance, were gratified in February to meet the new deputy chief of staff for the Interior Department: Sue Ellen Woolridge, a Sacramento Valley native and Wilson administration veteran.

"It's got to help because she's got some basic understanding of [California] issues," said Stephen Hall, executive director of the Association of California Water Agencies.

But not every Bush appointee with a California connection will deliver automatic clout for the Golden State. National Security Adviser Condoleezza Rice, for instance, presumably won't be shoveling much pork California's way, despite her former stint as Stanford University provost. There will also be exits as well as entrances among California appointees. One former associate of Mineta, a lifelong Democrat, speculated that the transportation secretary might leave the administration come mid-term elections when Cabinet secretaries are expected to hit the campaign trail.

"A state's relationship with a president goes beyond tallying up his trips to the state or [his] Cabinet appointees," cautioned Paul Lewis, a research fellow at the Public Policy Institute of California. "In most recent presidencies, the Cabinet officials for domestic-policy agendas have wound up playing second fiddle to the...staffs in the White House itself."

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Eyes on the West

On Capitol Hill, a number of California congressional members will be working hand-in-hand with Bush, attempting to keep the president's eyes focused on the West. As chairman of the House defense appropriations subcommittee, Congressman Lewis oversees more than $300 billion in annual federal spending. As new chairman of the House Ways and Means Committee, Bakersfield Republican Bill Thomas will shepherd the tax-cutting legislation that could become Bush's big-ticket legacy for the 107th Congress. And as chairman of the House Rules Committee, David Dreier (R-Covina) has his hands on every bill that reaches the House floor.

Early on California's congressional Republicans tried to amplify their White House influence by asking that a senior presidential adviser be appointed to handle California issues. Lewis said the request conveyed how serious Californians were about getting their needs met, but he acknowledged that the request's "precedent-setting nature is a delicate political problem." That is, other states would surely demand their own White House champions if California's request was granted.

Moreover, claims by other states whose GOP votes are more critical to winning the White House might resonate more with Bush.

"Currently, no Democrat can win the Electoral College without California," University of California, Berkeley, public policy professor John Elwood noted. "The past election showed, however, that a Republican can win without California. There are other states which Bush lost that were a lot closer, so the Bush administration might spend a lot more of its effort in the Upper Midwest."

A White House rival

The new president may have other motivations to keep California at a distance. When Bush looks at California, he sees not only 54 electoral votes but also an upwardly mobile Democratic governor — and potential White House rival — whose own political ambitions are directly linked to the state's good fortunes. A purely opportunistic White House, one Republican suggested, might be tempted to give California just enough rope by which to hang Gray Davis. Some contend that thinking partly contributed to the White House's reluctance to intervene in California's electricity crisis.

Ann Veneman,
Agriculture secretary

Norm Mineta,
Transportation secretary

Not every Bush appointee with a California connection will deliver automatic clout for the Golden State.

"There's certainly a danger that Bush will want Davis to stumble all over himself," said one nonpartisan California policy analyst, speaking on condition of anonymity. "To the extent that Davis looks bad, it would torpedo his ambitions."

But thwarting Davis is a risky game, one that must be weighed against the political advantages of aiding California. There are, of course, numerous ways for a president to dole out fiscal goodies to favored states. California already receives some $166 billion in annual federal spending. That's about 11 percent of the national total; less than the state should be getting on a proportional basis, but enough to give a sympathetic White House plenty to dish out.

"I'm certain they'll be responsive to special kinds of needs," Congressman Lewis said. That responsiveness could take many forms, from earmarked budget items to patronage considerations for Californians seeking federal jobs.

A military mission

Regardless of special perks, California's fortunes will rise or fall as a byproduct of Bush's overall national policies. For instance, Bush's adamant campaign promise to pursue an expanded national missile defense system will aid California's aerospace firms.

Those firms currently receive about 15 percent of federal Defense Department contracts; that's less than the 25 percent take during the Reagan years, but significant nonetheless. Several big-ticket military items, including the F/A-18 Super Hornet and the C-17 transport, have their manufacturing roots in California. With some $60 billion already invested in the national missile defense system, Bush's renewed pursuit could refuel the fortunes of a number of California aerospace firms.

California also has experienced the downside of federal military policies. In the first four rounds of federal military base closings — some initiated while Dick Cheney was defense secretary and George W. Bush's father was president — California shouldered

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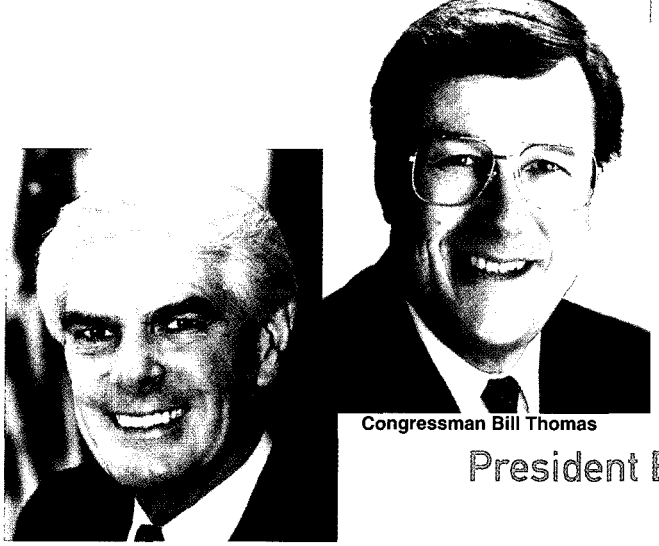

Congressman Bill Thomas

Congressman Jerry Lewis

"There are a lot of people who were a bit surprised at the amount of attention President Bush has already directed California's way."
— Congressman Jerry Lewis

about 60 percent of all federal military personnel cuts. The Clinton administration raised the possibility of further base closings in 2003 and 2005 but Congress stonewalled that discussion. Now the Bush-Cheney team will need to reconsider the possibility of future base closings.

But the political fallout from communities affected by closing military bases may make that an unpalatable policy for the new administration. "To be honest, I think there's even less likelihood of further base closings under this administration," said Tim Ransdell, executive director of the California Institute for Federal Policy Research.

International trade is another front where Bush policies could impact California directly. In 1993, California exported $68 billion worth of goods and services; by 1998, that had increased to $98 billion, with Japan, Canada and Mexico the leading trading partners. Clinton won passage of the North American Free Trade Agreement initiated by Bush's father, but couldn't convince Congress to grant him the negotiating authority for other big trade deals. Now it will be George W. Bush's turn to seek the so-called fast-track authority on trade agreements that California's major manufacturing companies eagerly want to see enacted.

In particular, Silicon Valley's high-tech leaders, a number of whom were early and generous supporters of the Bush campaign, will be looking for aggressive free-trade initiatives.

Change of environmental pace?

On the environmental front in California, Clinton liberally used his executive authority as president, unilaterally designating three new national monuments in the state, while setting aside 4.4 million acres of U.S. Forest Service land in California to remain free of roads and logging trucks. Clinton's environmental moves reflected a governing philosophy that played far better in urban, rather than in rural, California. Consequently, Bush won all Central Valley counties with the exception of Sacramento, and all of the state's forested counties with the exception of grow-your-own, Ralph Nader-friendly Humboldt and Mendocino.

Clearly, Bush understands his rural California base. Undoing Clinton's eco-minded regulatory actions, however, could well be impossible despite the fervent wishes of some rural Californians. Presidents can't simply "undesignate" a predecessor's national monument. Moreover, final regulations, such as the Forest Service "roadless" designation, can only be revised following comparable bureaucratic efforts. Because the agency waded through two years of 600-plus public meetings and 1.6 million public comments on the way to its final ruling, the Forest Service under Bush will likely think thrice before trying to roll back the rules.

In other ways, too, Bush is inheriting environmental policies and programs likely to stay the course. Even big-hatted Texans dare not touch California's long-standing offshore oil drilling moratorium. Gale Norton, Bush's new Interior Department Secretary, assured Feinstein that she has no intention of opening up California's offshore areas for oil drilling.

Similarly, the popular national parks can likely expect continued funding respect from the White House.

"Whether it's a Democrat or a Republican, I don't think it's going to make any difference," Yosemite National Park spokesman Scott Gediman said. "We're not anticipating any major changes."

Bush's environmental stamp will instead be felt in less visible ways. Farmers, for instance, presumably will have a more sympathetic audience for their efforts to obtain additional water storage. This will play out as Congress

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re-authorizes the multibillion-dollar Cal-Fed program for restoring the Sacramento-San Joaquin Delta. Feinstein, in announcing her support for Norton's controversial appointment as Interior Secretary, noted that Norton had agreed to designate a high-level deputy to personally handle the politically delicate Cal-Fed issue and to push for more funding.

"I think she understands the importance of water," Feinstein said during the Senate confirmation debate. "I think she understands the outdated nature of the water infrastructure, the struggle to keep the salmon running [and the need] to keep high-quality water for people to drink and enough water [to farm]."

Friendly to farmers

Environment aside, California farmers get an administration that's more attuned to their long-standing desire for an agricultural guest-worker program. Clinton's Labor Department, which had as one of its top officials a former director of the Farmworker Justice Fund, consistently resisted the guest-worker proposal. The nonpartisan General Accounting Office also expressed skepticism about the need for additional cheap foreign farm labor.

But opposition from federal auditors and farmworker advocates won't deter a committed White House. The bigger trick for Bush will be how to finesse his way around Republican Phil Gramm, the famously stubborn U.S. senator from Bush's home state. Late last year, Gramm blocked a guest-worker deal that had been painstakingly negotiated by, among others, California Democratic Congressmen Gary Condit of Ceres and Howard Berman of Los Angeles. Conceivably, a guest-worker deal that includes a form of amnesty for illegal immigrants would enable Bush to gratify farmers while making inroads with another significant California population — Latinos.

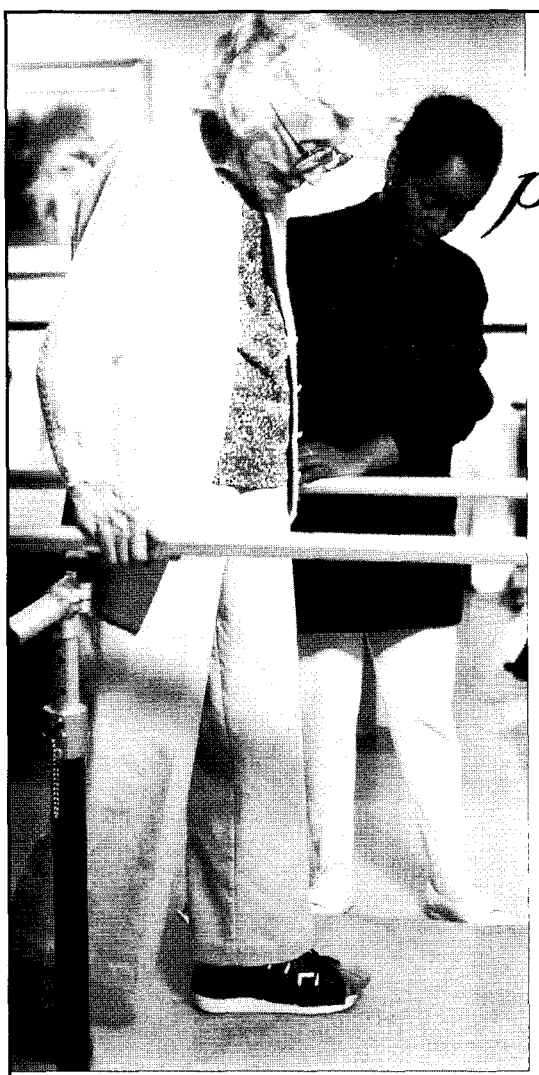
"If he does succeed in winning over more Latinos, it would be a big service to the state Republican Party," researcher Paul Lewis said.

House member Robert Matsui (D-Sacramento), for one, anticipates that Bush will make a play for the state's Latino voters, particularly in such areas as education policy.

In his well-received first week, Bush hosted a number of California lawmakers at the White House, prominent Democrats among them, ranging from liberal Democrat George Miller of Martinez to Central Valley moderates such as Condit and Cal Dooley of Hanford.

By all accounts, the getting-to-know-y'all sessions went swimmingly. For Bush, and for California, the question now becomes whether the president will keep up the steady stroke.

Michael Doyle is a reporter in the Washington, D.C., bureau of McClatchy Newspapers. Comments may be sent to **edit@statenet.com.**



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Ellen Tauscher: Movin' on up

by Marc Sandalow

Contra Costa Congresswoman Ellen Tauscher has a crisp, quick and quotable answer to almost every question. On the electricity crisis: "Anybody who believes this is a California-only problem isn't taking their medication on time." On the Democratic opposition to Attorney General John Ashcroft's nomination: "This is a dress rehearsal for the Supreme Court nominations." On President George W. Bush: "He can't spend half his day going to the far right, patting people on the back, and the other half in the center. He can't be in both places."

But ask the third-term Democrat about her own political future, say, for instance, her chances of pursuing a U.S. Senate seat, and she shifts from her fast-talking autopilot into a more methodical, manual drive.

"It could eventually be good in the Senate," Tauscher said, after a pause, during a recent conversation in her Capitol Hill office. "But I've got no plans," she added carefully. "I like what I'm doing."

That, in Washington-speak, is generally code for: "Of course I want to move up, but I'm not going to put my ambitions on display for every knucklehead who asks."

Congressswoman Ellen Tauscher

Indeed, there is no reason for Tauscher to risk alienating her colleagues by talking about her political future. At the moment there are no openings. But to any observer of Golden State politics, it is evident that Tauscher is making her move.

The 49-year-old centrist Democrat, who is about the closest thing the Bay Area has to a Republican, is seemingly everywhere.

She is quoted on the front pages of the *Washington Post* and the *New York Times*. She appears in the pages of *Time, Newsweek* and *Business Week* magazines, and is a guest on national cable shows such as CNN's "Crossfire."

Her longtime advocacy of tax cuts that would be "triggered" only after a surplus was certified has suddenly emerged as a leading Democratic alternative to President Bush's $1.6 trillion tax cut plan.

And in January she was named vice president of the Democratic Leadership Council, the centrist Democratic group that helped catapult the careers of Bill Clinton, Al Gore and Joe Lieberman.

"Ellen Tauscher is the prototypical New Democrat" said DLC founder Al From. "She is one of the people who will determine the course of the Democratic Party as we move forward."

Tauscher has stood out since elementary school, where she was the tallest student in her class. She went on to become the youngest woman on the New York Stock Exchange, where she was a trader, before moving to San Francisco's East Bay suburbs in the late 1980s.

In 1996, after co-chairing Dianne Feinstein's U.S. Senate campaign, Tauscher knocked off incumbent GOP Representative Bill Baker, ending his long political career.

On most social issues, Tauscher mirrors the region's liberalism, supporting gun control, legal abortions and federal spending on education.

Yet she has a strong free-market bent that puts her within the conservative wing of her party, favoring welfare reform, repeal of the estate tax, and — heaven forbid — acknowledging that California consumers will have to pay more for electricity.

She has earned plaudits from such diverse groups as the AFL-CIO and the U.S. Chamber of Commerce, the Veterans of Foreign Wars and the League of Conservation Voters.

The rap on Tauscher is that she has no firm ideological moorings. Some see her moderation as little more than a careful reading of the polls. Yet even her harshest critics speak admiringly of her ability to hold a seat in what is clearly the Bay Area's most Republican district.

Tauscher's prospects for power are limited within the House, where San Francisco Representative Nancy Pelosi is the state's brightest Democratic star. The two have an uncomfortable relationship. Last year, Tauscher was the only California Democrat not behind Pelosi's bid to join leadership.

Nevertheless, Tauscher has the capability to leap from the House into statewide politics, and perhaps beyond.

Were Barbara Boxer not to seek a third term in 2004, or Feinstein in 2006, Tauscher appears to be a natural candidate for their seats. As for the vice presidential slot on the 2004 Democratic ticket, Tauscher's name could well appear on the list.

"I love my job," Tauscher told journalist Eleanor Clift in an interview for Clift's book, "Madam President. But if the timing is right and the opportunity presents itself," Tauscher said, "I will be ready."

Contributing Editor Marc Sandalow is Washington, D.C., Bureau Chief for the San Francisco Chronicle. *Comments may be sent to* **edit@statenet.com.**

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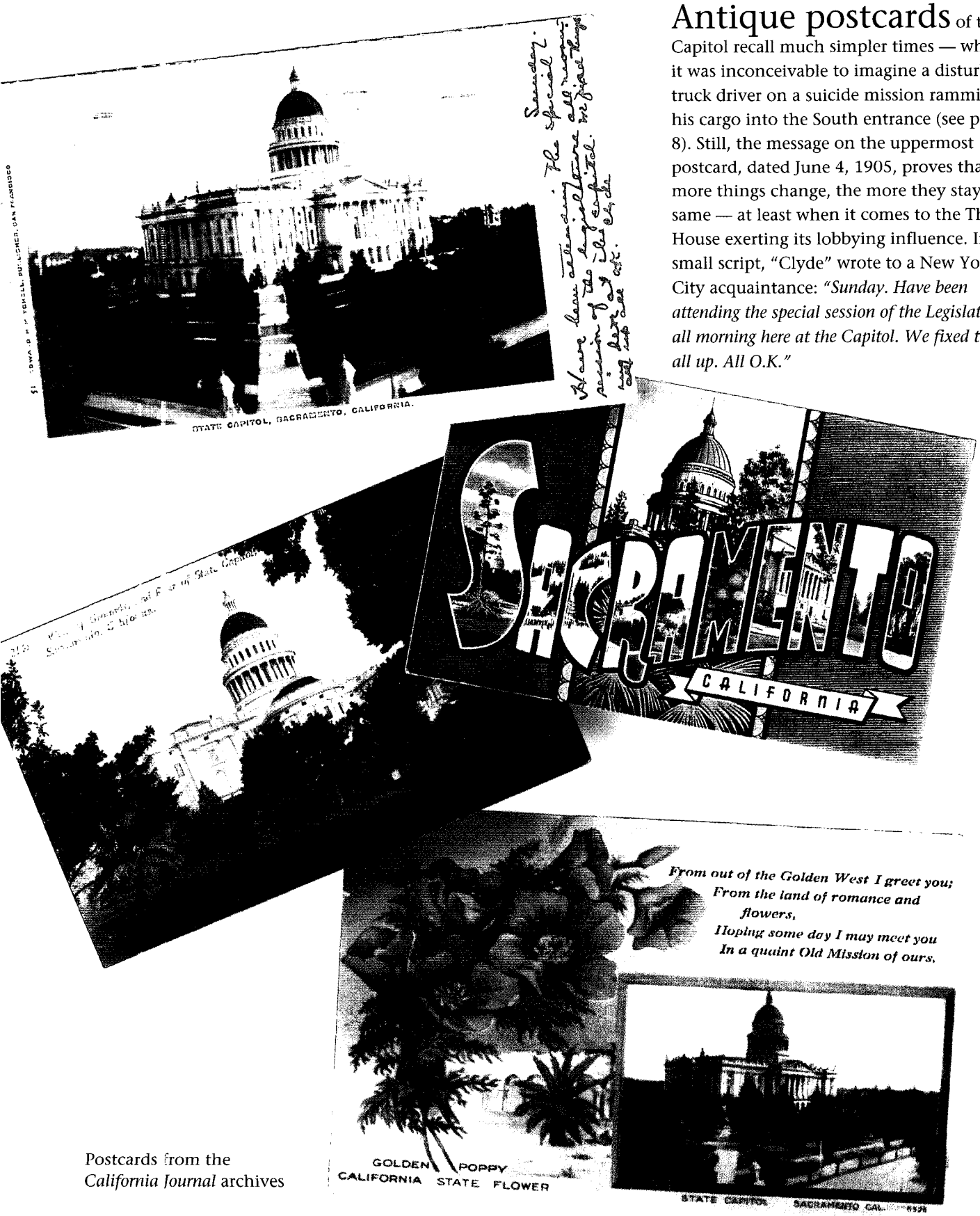
Capitol Flashbacks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Postcards from the *California Journal* archives

Antique postcards of the Capitol recall much simpler times — when it was inconceivable to imagine a disturbed truck driver on a suicide mission ramming his cargo into the South entrance (see page 8). Still, the message on the uppermost postcard, dated June 4, 1905, proves that the more things change, the more they stay the same — at least when it comes to the Third House exerting its lobbying influence. In small script, "Clyde" wrote to a New York City acquaintance: *"Sunday. Have been attending the special session of the Legislature all morning here at the Capitol. We fixed things all up. All O.K."*

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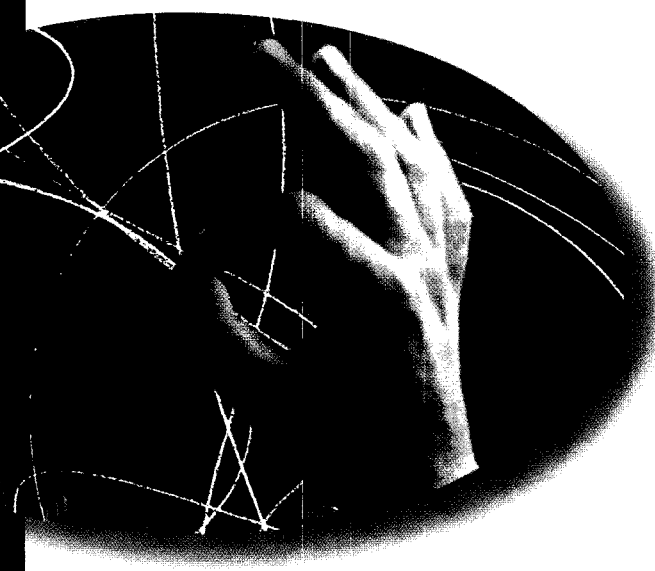

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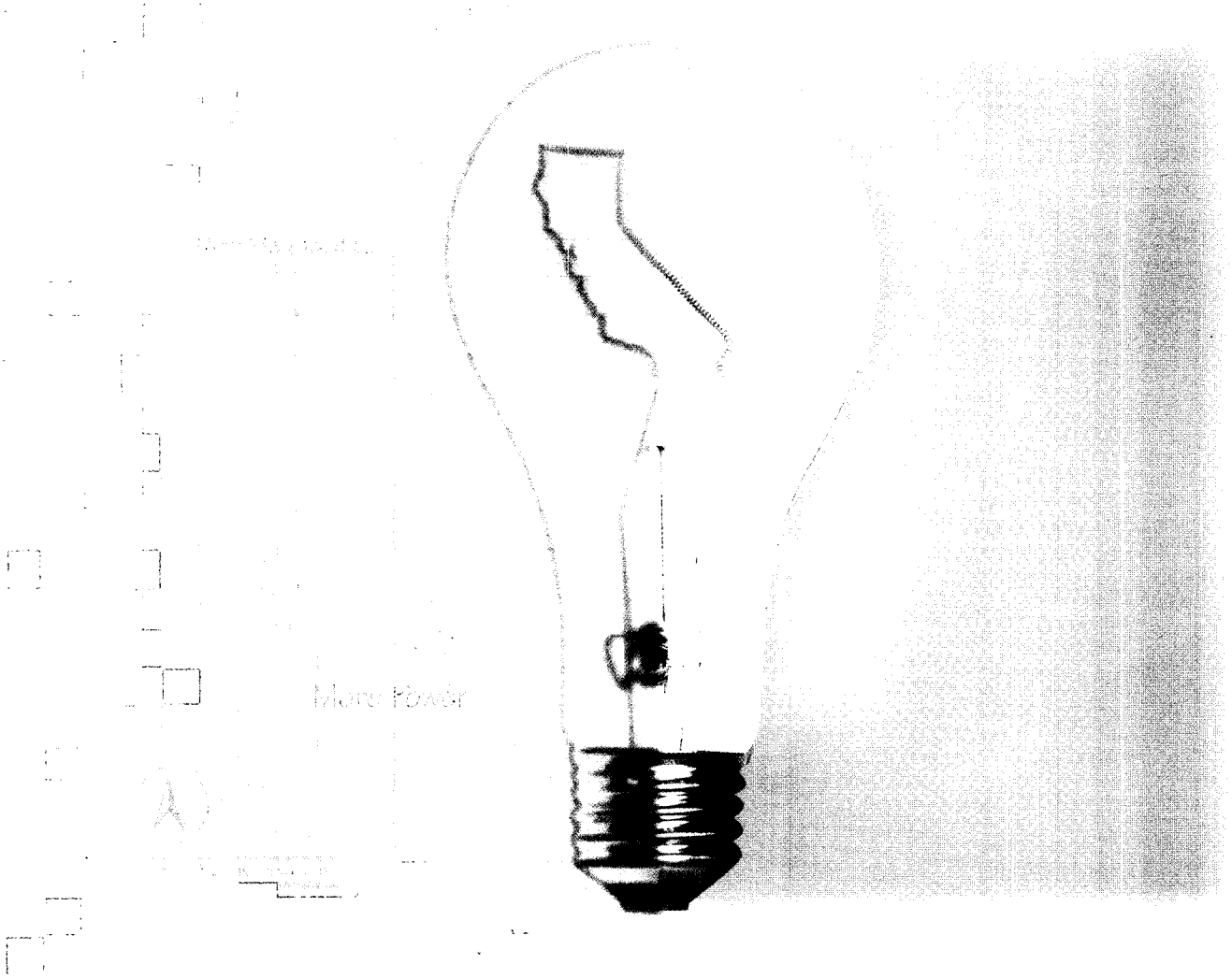

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